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General Assembly

Sixty-first session

Official Records

107th plenary meeting
Thursday, 13 September 2007, 10 a.m.
New York

President: Ms. Al-Khalifa ..... (Bahrain)

The meeting was called to order at 10.25 a.m.

Tribute to the memory of Ms. Angie Brooks-Randolph, President of the twenty-fourth session of the General Assembly, and Mr. Gaston Thorn, President of the thirtieth session of the General Assembly

The President: It is my sad duty to inform members of the Assembly of the passing on 9 September 2007 of Ms. Angie Brooks-Randolph, former diplomat of Liberia and President of the General Assembly at its twenty-fourth session, and on 26 August 2007 of Mr. Gaston Thorn, former Prime Minister of Luxembourg and President of the General Assembly at its thirtieth session.

Ms. Brooks-Randolph was the first Associate Justice of Liberia and had a distinguished career in Government administration, legal education and the promotion of gender equality. In 1969, she became the first African woman to be elected President of the General Assembly.

Mr. Gaston Thorn had a long and prominent career as a politician and businessman of his country and also served as Chairman of the European Commission from 1981 to 1985.

As Presidents of the General Assembly, both Ms. Angie Brooks-Randolph and Mr. Gaston Thorn played outstanding roles in this Organization and made a major contribution towards the achievement of the objectives set out in the Charter of the United Nations.

On behalf of the General Assembly, I should like to convey our deepest condolences to the Government and the people of Liberia and Luxembourg, respectively, and to the bereaved families of Ms. Brooks-Randolph and Mr. Thorn.

I now invite representatives to stand and observe a minute of silence in tribute to the memory of Ms. Angie Brooks-Randolph and Mr. Gaston Thorn, former Presidents of the General Assembly.

The members of the General Assembly observed a minute of silence.

The President: I call on the representative of Zimbabwe, who will speak on behalf of the Group of African States.

Mr. Chidyausiku (Zimbabwe): The African Group wishes to express through you, Madame, to the people and Government of Liberia and to the Government of Luxembourg its deepest condolences as we pay tribute on this solemn occasion to the illustrious life-time achievements attained by two of your predecessors, Ms. Angie Brooks-Randolph, Liberia's first Associate Justice and the first female President of the General Assembly, and Mr. Gaston Thorn, Prime Minister, Minister for Foreign Affairs and Foreign Trade of Luxembourg and the President of the General Assembly at its thirtieth session.

Angie Brooks-Randolph's achievements are best captured in the statement released by President Ellen Johnson-Sirleaf of Liberia, herself a trailblazer and continental pace-setter, who described her as a woman

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of great substance whose unmatched characteristics and sterling qualities illuminated Liberia's and, indeed, Africa's image on the international stage at the United Nations, where she chaired with distinction in several capacities in the 1950s and 1960s. Africa joins the rest of the world in paying tribute for the loss of such a quintessential talent.

The President of the General Assembly at its thirtieth session, Mr. Gaston Thorn, was a man of unmatched talent, possessing exceptional leadership qualities that saw him hold the posts of Prime Minister of Luxembourg and Chairman of the European Commission. The Africa Group also pays homage to his achievements and valuable contributions to humanity in general. May their souls rest in peace.

The President: I now call on the representative of the Philippines, who will speak on behalf of the Group of Asian States.

Mr. Davide (Philippines): On behalf of the Asian Group, which I am chairing for the month of September, I wish to express, at this moment of great sorrow, my most sincere and deepest condolences to the Government, the Permanent Mission and the people of Liberia on the passing away of Ambassador Angie Brooks-Randolph on 9 September and to the Government, the Permanent Mission and the people of Luxembourg on the passing away of Ambassador Gaston Thorn on 26 August.

Being the first Liberian female lawyer — who became Vice-President for Africa of the International Federation of Women Lawyers and, later, the Federation's President — and obtaining two doctor of laws degrees were only two of the many trailblazing accomplishments of Ambassador Brooks-Randolph. I need not stress that she was an inspiring leader in global strides in the areas of gender rights and empowerment of women. She served the United Nations in various capacities: as Vice-Chairperson and eventually Chairperson of the Committee dealing with Trust and Non-Self-Governing Territories, Vice-President of the Committee on Information from Non-Self-Governing Territories, Chairperson of the Commission for Rwanda-Burundi, Chairperson of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands and Vice-President and then President of the Trusteeship Council. Enthusiastic in her conviction and steadfast in her beliefs, she held positions that demonstrated a singular passion for and commitment to the ideals of democracy, independence, justice and the rule of law.

As the international political arena was mired in the conflicts in South-East Asia and the Middle East in 1969, it was only fitting that this warm, nurturing and powerful soul, the mother of two sons and the delight of 47 other youngsters, should bring order to chaos and preside over the General Assembly at its twenty-fourth session. Always brimming with hope, she said that the United Nations could and should remain the best means of international cooperation that has ever been at mankind's disposal, but that we have to nourish, cherish and cultivate it. Prophetically, those words apply to us now.

We also honour today the memory of Ambassador Gaston Thorn, another lawyer, who also obtained a doctor of law degree and whose passion for law and justice, democracy and liberalism became a way of life. Indeed, he became President of Liberal International, a non-governmental organization whose main objective is to promote liberal ideas and liberalism as a political philosophy.

Ambassador Thorn was a complete diplomat whose skills in conciliation and whose refined knowledge of various cultures and languages were well known. Presiding over the General Assembly during its thirtieth session, he courageously guided the United Nations through the difficult issues of terrorism, colonial independence, the exodus of refugees and migration with much aplomb. We are saddened by his demise, and Luxembourg has lost one of its finest diplomats.

Thus, the passing away of Ambassador Angie Brooks-Randolph and Ambassador Gaston Thorn is, in fact, their journey to immortality. In death, they now live forever in the hearts and minds of the Members of the United Nations. As we honour their memory, we also pay tribute to the Government and the people of Liberia for sharing with us their beloved daughter and to the Government and the people of Luxembourg for sharing with us their beloved son and to both Governments and peoples for bestowing on this institution, the United Nations, the legacy of the presidencies of Ambassador Angie Brooks-Randolph and Ambassador Gaston Thorn.

The President: I now call on the representative of Montenegro, who will speak on behalf of the Group of Eastern European States.

Mr. Kaludjerović (Montenegro): The Group of Eastern European States is deeply saddened by the passing away of two remarkable and outstanding persons: Ms. Angie Brooks, former President of the General Assembly, and Mr. Gaston Thorn, former Prime Minister of Luxembourg, European Commission President and President of the General Assembly. Their deaths have profoundly distressed us all, for their lives and personalities enormously influenced our contemporary world.

Ms. Angie Brooks, President of the General Assembly, served during the twenty-fourth session, in 1969 — a year of challenging times for the United Nations — and as the representative of Liberia, a country that has the privilege of having been the first sovereign African republic. She was the second woman and the first African woman to assume the esteemed post of General Assembly President. It is without doubt that that position was the zenith of her career. Ms. Brooks's long fight to promote the ideals of the United Nations, where she had served in a number of bodies since 1954, was clear evidence of her unyielding energy and dedication.

Mr. Gaston Thorn was a renowned man — one of the great politicians during important times and events in his own country, in the European Union and in the United Nations. Early in his life, he demonstrated tireless energy in fighting tyranny during the Second World War — energy that he later channelled into guiding and consolidating his country's political development and finally into enlarging the membership of the European Union and, at the same time, deepening its single market and economy. As President of the General Assembly at its thirtieth session, he demonstrated his exceptional humanism and his devotion to achieving the principles and ideals of the United Nations, by which he was guided. With his passing, we in the United Nations have lost a true global politician, diplomat and humanist.

In their own ways, both of these eminent personalities attached great importance to the ideas of peace, freedom, understanding, tolerance, equality and development, cherishing an extraordinary affection for multilateralism as well as for the States that they represented.

Ms. Brooks and Mr. Thorn are no longer with us, but they will be remembered for the examples that they set throughout their lives of hard work and dedication to the goals of the United Nations. On behalf of the Eastern European Group, I express our sorrow to the Government and the people of Liberia and to the Government and the people of Luxembourg, as well as to their families, friends and colleagues.

The President: I now call on the representative of Paraguay, who will speak on behalf of the Group of Latin American and Caribbean States.

Mr. Buffa (Paraguay) (*spoke in Spanish*): It is an honour to address the General Assembly on behalf of the Latin American and Caribbean Group on this occasion, when we are paying posthumous tribute to two outstanding former Presidents of the Assembly. I am referring to Ms. Angie Elisabeth Brooks and Ambassador Gaston Thorn, Presidents of the Assembly at its twenty-fourth and thirtieth sessions, respectively. They had a distinguished role before this Assembly during significant times with regard to the existence of the Organization.

Ambassador Angie Elisabeth Brooks, who was born in Liberia and who earned a doctorate in law, was the first African woman to hold the post of President of the General Assembly, at its twenty-fourth session. Before that she had a distinguished career in academia, the law, her country's supreme court and the vice-presidency of the International Federation of Women Lawyers during the 1950s, presiding over the Federation in the 1960s. In addition, Ms. Brooks distinguished herself as Vice-President of the National Political and Social Movement of Liberia in the 1960s.

Ambassador Gaston Thorn of Luxembourg, who held a doctorate in law, presided over the Assembly at its thirtieth session, following an accomplished political career. He was serving as Prime Minister and Minister for Foreign Affairs and Trade of Luxembourg when he was elected President of the Assembly. Mr. Thorn also held the post of Minister of Physical Education and Sport until 1974. Beginning in 1961, he served as president of the Democratic Party of Luxembourg, and in 1970 became President of the Liberal International movement.

Both of these distinguished persons, who contributed to the strengthening of multilateralism, took leave of the international community in August and September. September is the month of the General Assembly's annual general debate. We shall remember them during that time, following their great example.

The President: I now give the floor to the representative of Switzerland, who will speak on behalf of the group of Western European and other States.

Mr. Baum (Switzerland) (*spoke in French*): I have the honour and sad duty to address the General Assembly today on behalf of the Group of Western European and other States to pay tribute to two former Presidents of the Assembly, Ms. Angie Elisabeth Brooks of Liberia, who served as President at the twenty-fourth session, and Mr. Gaston Thorn of Luxembourg, who presided over the thirtieth session, both of whom passed away recently.

Ms. Angie Elisabeth Brooks overcame poverty to study law in the United States and London. Having had an excellent career as a jurist, she became Liberia's first woman lawyer, then a professor of law and the first woman to be a member of her country's Supreme Court. In her second career, as a diplomat, she was given great responsibilities. She was Assistant State Secretary for Foreign Affairs and served as Liberia's Permanent Representative to the United Nations. During her career, she was particularly concerned about non-self-governing territories and trusteeship territories. Her commitment in that area culminated in her becoming Chairperson of the Fourth Committee and President of the Trusteeship Council. In 1969, she became the second woman, and the first African woman, to preside over the General Assembly.

Mr. Gaston Thorn was an eminent statesman from Luxembourg. As a young man, he was involved in resistance to Nazi occupation during the Second World War, for which he was imprisoned. Following studies in France and Switzerland he was admitted to the Luxembourg bar association. Entering into politics, he represented liberal thinking. He held numerous ministerial posts, eventually serving as Minister for Foreign Affairs and Prime Minister. He was a polyglot and a great European. As a member of the European Parliament, and in particular as President of the European Commission in the early 1980s, he left his mark on the construction of the continent. He was elected President of the General Assembly in 1975.

The memory of the great figures we are honouring today take us back to another era, one that already seems remote and which was perhaps both more simple and complicated than our own. What has not changed is the concept of multilateralism, which all Member States share and which is reflected in our commitment to the United Nations. In that sense, the commitment of the Presidents of the twenty-fourth and thirtieth sessions of the General Assembly deserves our deep respect.

On behalf of the Group of Western European and other States, allow me to convey my sincere sympathy to the Governments and peoples of Liberia and Luxembourg at this painful time. In particular, we extend our condolences to the families and close friends of Angie Elisabeth Brooks and Gaston Thorn.

The President: I now give the floor to the representative of Liberia.

Mrs. Osode (Liberia): Death has once again claimed a victim from among us. It is with deep emotion that I stand at this rostrum to pay tribute to Ms. Angie Elisabeth Brooks, whose passing away on Sunday, 9 September 2007, brought profound grief to her family, colleagues and friends. The world has lost a woman who was so able and so vigorous as a representative of our country.

In 1969, Miss Brooks became the twenty-fourth, and second female, President of the General Assembly. Her election was a moving tribute to Africa, to a sovereign republic, Liberia, and to her personal distinction. She had boldness, humour and the capacity to take on the points which suited her purposes. Her colleagues saw her as a woman who rendered the most faithful service to her Government. She never lost faith in the usefulness and purposes of the United Nations.

In paying tribute to Ms. Brooks on her passing on Monday, Madame Ellen Johnson-Sirleaf, President of the Republic of Liberia, hailed Angie Elisabeth Brooks as a true trailblazer and a continental pace-setter, a woman of great substance whose unmatched characteristics and sterling qualities illuminated Liberia's image on the international scene through the able representation of the country at the highest international stage — the United Nations, where she served with distinction in the 1950s and 1960s. The President went on to say that undoubtedly the passing of this most distinguished trailblazer from the African and world scene will not only be recorded in the history books, but that her memory would be immortalized by the work that other women do to promote gender equality and international peace.

Ms. Brooks was always focused and determined. She often told the story of how the late President William V.S. Tubman of Liberia, realizing her tenacity and responding to her personal entreaty of him, granted her repeated requests for funding to study in the United States, thus fulfilling her dream.

After working with the Justice Department of Liberia, Ms. Brooks was appointed to the Liberian delegation to the United Nations in 1954. Starting in 1954, Ms. Brooks had an illustrious career with the United Nations and served in the following capacities. In 1956 she served as Vice-Chairman of the Assembly's Fourth Committee, which monitored Trust and non-self-governing Territories. In 1961 she became that Committee's Chairman. She was chairman of the United Nations Commission for Ruanda-Urundi in 1962, Chairman of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands in 1964, Vice-President of the Trusteeship Council in 1965 and President of the Trusteeship Council, the watchdog of the Trust Territories, in 1966. She was the first woman and first African woman to serve in that capacity.

Ms. Brooks served as Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Liberia to the United Nations from 1975 to 1977 and I was very pleased to serve under her leadership. Ms. Brooks held several degrees, including a Bachelor of Arts degree in social sciences from Shaw University, Raleigh, North Carolina, obtained in 1949; a Bachelor of Law degree and Master of Science degree in political science from the University of Wisconsin, obtained in 1952; and Doctor of Law degrees from Shaw University and Howard University, obtained in 1962 and 1967 respectively. In 1952, Ms. Brooks completed graduate work in international law at University College Law School of London University and obtained a Doctor of Civil Law degree from the University of Liberia in 1964.

Ms. Brooks was admitted as counsellor-at-law at the Supreme Court of Liberia in August 1953 and served as Attorney-General of Liberia from August 1953 to March 1958. She served as Associate Justice of the Supreme Court of Liberia from 1977 to 1980. From 1956 to 1958, she was Liberia's Vice-President of the International Federation of Women Lawyers. She served as the Federation's Vice-President for Africa from 1959 to 1960 and as President of the Federation from 1964 to 1967. In 1958, she represented Liberia and the Federation at the first session of the United Nations Economic Commission for Africa.

Ms. Brooks served as Ambassador Extraordinary and Plenipotentiary of Liberia to the Republic of Cuba from 1976 to 1977. She also served as ambassador-at-large for the Government. For two years, Ms. Brooks was Vice-President of the National Liberian Political and Social Movement, and for many years she served as the special assistant to the Executive Secretary of the Lott Carey Baptist Foreign Mission Convention.

Ms. Brooks demonstrated straightforwardness and tenacity in her approach to the most pertinent issues of her time, which won her praise. During her opening speech to the General Assembly, she did not spare the Organization her criticism, stating that the United Nations had suffered a decline in prestige in recent years because of its lack of dynamism. She said that

> "our weakness seems to lie in the fact that we all too often view world affairs somewhat parochially, as if they were being played out at the Headquarters on the East River of New York. We have sometimes failed to realize that neither oratory nor agreements between delegates, nor even resolutions or recommendations have had much impact on the course of affairs in the world at large." (*A/PV.1753, para. 54*)

I should like to stress that Ms. Brooks was significant not only because of the Government she represented, but because she was very much a personage in her own right. In her death, Liberia suffers the loss of a great patriot and a stalwart fighter for the causes she believed in for most of her life. It cannot be denied that her colleagues at the United Nations, during her tenure here, whether we agreed or disagreed with her, were under the permanent spell of her dynamic personality, the quickness of her smile, her brilliant wit and her great charm in her personal contacts.

In conclusion, having worked with Ms. Brooks at the Mission during her period as Liberia's Permanent Representative, I wish to recall that she was one of the most caring, gentle and honest persons I have come across, all one could wish for in a colleague and a friend. Ms. Brooks never ceased to be a simple person. She will be missed just as much for her charm and natural elegance as for her candid manner with people at all levels, from those in high office to her most

junior colleagues. To Ms. Brooks, who has today gone to rest, we can pay no loftier tribute than to offer in remembrance of her the great memory Africans bear in common and the hopes for peace which all of our people share. May her soul and all the souls of the faithful departed, through the mercy of God, rest in peace.

The President: I give the floor to the representative of Luxembourg.

Mr. Olinger (Luxembourg) (*spoke in French*): I should like to express my deep appreciation to you, Madam President, for having paid tribute to the memory of Mr. Gaston Thorn, honorary Minister of State of the Grand Duchy of Luxembourg and President of the General Assembly at its thirtieth session. The condolences you have extended and those extended by the representatives of the regional groups are deeply touching.

It was with great sorrow that the people of Luxembourg learned, on 26 August, of the death of Gaston Thorn, a great statesman who left his mark on Luxembourg and European politics in the 1970s and 1980s. His death is a great loss for my country.

After several terms as a Liberal Deputy in the Luxembourg and European parliaments, Gaston Thorn served with commitment and energy as Minister for Foreign Affairs from 1969 to 1979, as Prime Minister from 1974 to 1979 and as President of the European Commission from 1981 to 1985.

As President of the European Commission at a difficult time in the mid-1980s — described as a time of Euro-sclerosis — Gaston Thorn faced one of the major crises in the process of building Europe. Amidst the disorder and imbroglio of national interests, President Thorn worked to ensure that the common interest and the European cause prevailed. His strong commitment to bringing Europe closer to Africa also remains in our memory.

As Prime Minister, Gaston Thorn led the Luxembourg Government with great vision and undertook important economic and social policy reform, combining modern liberalism with social responsibility. It is notable that in 1979 under his leadership the death penalty was abolished in Luxembourg.

During his time as Luxembourg's head of Government, Gaston Thorn had the honour to serve as President of the General Assembly at its thirtieth session, in 1975 and 1976. The debate at that session was marked by controversy. To date, Mr. Thorn has been the only Luxembourg national to preside over the General Assembly; this was a source of pride for the people of Luxembourg, who are committed to the ideals of the United Nations, as our country was among the founding Members of the Organization. Gaston Thorn lent great political impetus to the work of the Assembly, a body in which he had great faith and which he held in high esteem. He devoted his life to pursuing the ideals of the United Nations: improving human well-being and working for the cause of international peace and security, development and human rights. His commitment to bringing about understanding among peoples was a leitmotif of his political career.

Permit me once again to thank you, Madam President, and all others who have taken the floor in tribute to the memory of a humanist, a man of culture, an outstanding figure in Luxembourg's contemporary history, a great European and an ardent defender of the United Nations and of the noble purposes that inspire it.

Agenda item 11

Prevention of armed conflict

Draft resolution (A/61/L.68)

The President: Members will recall that at its 2nd plenary meeting, held on 13 September 2006, the Assembly decided to include this item in the agenda of the sixty-first session.

The Assembly will now take action on draft resolution A/61/L.68. May I take it that the Assembly decides to adopt the draft resolution?

Draft resolution A/61/L.68 was adopted (resolution 61/293).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 11?

It was so decided.

Agenda item 15

Zone of peace and cooperation of the South Atlantic

Report of the Secretary-General (A/60/253 and Add.1)

Draft resolution (A/61/L.66)

The President: Members will recall that the General Assembly, by its decision 60/509 of 25 October 2005, deferred consideration of this item as well as of the report of the Secretary-General to the sixty-first session. The Assembly also decided to maintain biennial consideration of this item thereafter.

I give the floor to the representative of Angola to introduce draft resolution A/61/L.66.

Mr. Gaspar Martins (Angola): Madam President, as we approach the conclusion of the sixty-first session of the General Assembly, please accept my delegation's utmost appreciation for your able leadership and hard work during this session. Under your leadership, the General Assembly engaged in difficult but necessary discussions on the items on its agenda. Such was the case with regard to reforming the Economic and Social Council, the increasing threat posed by climate change, the challenge of achieving internationally agreed development goals including the Millennium Development Goals, and the difficult issues of reforming the Security Council and of system-wide coherence. While we must remain engaged on some of those issues, your stewardship of the General Assembly reignited the discussions when some of us thought that it was time to quit. Your innovative approach and persistent optimism have brought us closer to making the decisions necessary to revamp the Organization with a view to improving its effectiveness and its responsiveness to the challenges of today and of tomorrow.

I take the floor this morning in my capacity as Chair of the Permanent Committee of the Zone of Peace and Cooperation of the South Atlantic. It is my privilege and honour to introduce draft resolution A/61/L.66, under agenda item 15, entitled "Zone of peace and cooperation of the South Atlantic".

As members may recall, a little over two decades ago, the United Nations General Assembly, through its resolution 41/11, declared the South Atlantic a zone of peace and cooperation among its members: Angola, Argentina, Benin, Brazil, Cameroon, Cape Verde, Congo, Côte d'Ivoire, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, the Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Namibia, Nigeria, Senegal, Sao Tome and Principe, Sierra Leone, South Africa, Togo and Uruguay. Today, the zone is an effective interregional mechanism for cooperation in the areas of development, peace and security among its 24 member States.

In the area of development, members of the zone are committed to contributing to the eradication of poverty through the establishment of partnerships for sustainable development, trade, investment and tourism by increasing the exchange of knowledge and technology; promoting closer ties among business enterprises; promoting cooperation in the fields of science, technology and human resources; further developing transportation and communication; and promoting greater interaction among the civil societies of its members.

In the areas of crime prevention and combating drug trafficking, the illicit trade in small arms and light weapons and transnational organized crime, including piracy, members of the zone are committed to cooperate, including for the full implementation of the relevant United Nations programmes of action and by ensuring the exchange of information, experiences and lessons learned related to the reinforcement of border security and arms control policies and systems.

While recognizing the United Nations primary responsibility for the maintenance of international peace and security, the members of the zone are also committed to cooperating in the areas of peace, stability and security, including conflict prevention and peacebuilding within the zone. That cooperation is geared towards improving the capacity of zone members to participate and engage in peacebuilding and peace support operations by increasing cooperation with the international community and among the members of the zone on issues such as capacity-building, logistics and information exchange, as well as by promoting the use of existing training schools and the international and regional peacekeeping training centres. Furthermore, the members of the zone are also engaged in the area of scientific research, environmental and marine issues with a view to strengthening human and institutional capacities for the protection and responsible management of their marine resources.

The introduction of today's draft resolution comes on the heels of the sixth ministerial meeting of the zone, held in Luanda on 18 and 19 June, at which its members adopted the Luanda Declaration and an action-oriented Plan of Action. Those documents are available to the membership in document A/61/1019. The Plan of Action is the embodiment of the collective efforts of all States members of the zone that participated actively in the three thematic preparatory workshops in New York, Montevideo and Buenos Aires prior to the meeting in Luanda.

The draft resolution before the Assembly is the result of an inclusive, constructive dialogue and represents the consensus reached in open and transparent informal consultations, to which the entire membership was welcomed. The draft resolution welcomes the holding of the sixth ministerial meeting of the zone and takes note with appreciation of the adoption of the Luanda Declaration and Plan of Action. Furthermore, it requests relevant organs and bodies of the United Nations system and invites relevant partners, including the international financial institutions, to render all appropriate assistance that States members of the zone may seek in their joint efforts to implement the Luanda Plan of Action.

I would like to take this opportunity to thank Member States for their participation in the consultation process and, in particular, those that sponsored the draft. It is my expectation that the draft resolution will enjoy the consent of all Member States.

The President: We shall now proceed to consider draft resolution A/61/L.66.

Before giving the floor to speakers in explanation of vote before the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

I now call on the representative of the United States for an explanation of vote.

Mr. Hagen (United States of America): Angola's efforts in sponsoring the draft resolution are to be commended, and the United States appreciates Angola's efforts in promoting the principles declared by the members of the South Atlantic community.

Nonetheless, the United States will disassociate itself from consensus or abstain if there is a vote on the draft resolution because of its belief that internationally recognized zones should be created through multilateral regional forums and not through United Nations resolutions. Additionally, the United States does not support the concept set out in the Luanda Declaration concerning the characterization of marine genetic resources in areas beyond national jurisdiction, nor does the United States provide legally binding non-use assurances to States within a nuclear-weapon-free zone unless its ships and aircraft may pass through the zone without having to declare whether or not they are carrying nuclear weapons.

The President: We have heard the only speaker in explanation of vote.

Before we proceed to take action on the draft resolution, I should like to announce that, since its introduction, Cameroon, Equatorial Guinea, Gabon, Gambia, Honduras, Liberia, Namibia, Nepal and Timor-Leste have become sponsors of draft resolution A/61/L.66.

The Assembly will now take a decision on draft resolution A/61/L.66. A similar draft resolution was adopted without a vote at the fifty-eighth session. May I take it that it is the wish of the Assembly to adopt draft resolution A/61/L.66?

Draft resolution A/61/L.66 was adopted (resolution 61/294).

The President: Before giving the floor to speakers in explanation of vote after adoption, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

I now call on the representative of the United Kingdom, who wishes to explain her delegation's position on the resolution just adopted.

Ms. Pierce (United Kingdom): The United Kingdom welcomes the continuing cooperation between States in the zone of peace and cooperation of the South Atlantic. However, with reference to the Luanda Declaration issued by those States, the United Kingdom would like to reiterate its position on the issue of sovereignty of the Falkland Islands. The United Kingdom's position on this issue is well known and was last set out in detail by the United Kingdom's Permanent Representative to the United Nations, Sir Emyr Jones Parry, in a letter to the Secretary-General on 15 January 2007.

The United Kingdom has no doubts about its sovereignty over the Falkland Islands. There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the islanders so wish.

The President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 15?

It was so decided.

Agenda item 26

Report of the Peacebuilding Commission

Letter from the Acting Chair of the Peacebuilding Commission (A/61/1035)

The President: Members will recall that, at its 2nd plenary meeting on 13 September 2006, the Assembly decided to include agenda item 26 on the agenda of the sixty-first session.

In connection with this item, the Assembly now has before it a letter dated 16 August 2007 from the Acting Chair of the Peacebuilding Commission addressed to the President of the General Assembly (A/61/1035). In her letter, the Acting Chair of the Peacebuilding Commission, on behalf of the members of the Organizational Committee of the Peacebuilding Commission, suggests that the first annual report of the Peacebuilding Commission, which has been issued in document A/62/137, be considered by the Assembly during the main part of the sixty-second session.

May I take it that it is the wish of the General Assembly to defer consideration of this item and to include it in the draft agenda of its sixty-second session?

It was so decided.

The President: The Assembly has thus concluded its consideration of agenda item 26.

Agenda item 33 (continued)

Comprehensive review of the whole question of peacekeeping operations in all their aspects

Report of the Ad Hoc Open-ended Working Group on Assistance and Support to Victims of Sexual Exploitation and Abuse (A/61/1044)

The President: In connection with this item, the Assembly has before it a draft decision contained in paragraph 14 of the report of the Ad Hoc Working Group on Assistance and Support to Victims of Sexual Exploitation and Abuse (A/61/1044).

The Assembly will now take action on the draft decision recommended by the Ad Hoc Open-ended Working Group on Assistance and Support to Victims of Sexual Exploitation and Abuse in paragraph 14 of its report. May I take it that the Assembly decides to adopt the draft decision?

The draft decision was adopted.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 33?

It was so decided.

Agenda item 152

Report of the Secretary-General on the Peacebuilding Fund

Letter dated 7 September 2007 from the Secretary-General to the President of the General Assembly (A/61/1042)

The President: Members will recall that at its 2nd plenary meeting, on 13 September 2006, the Assembly decided to include this item in the agenda of the sixty-first session.

In connection with this item, the Assembly now has before it a letter dated 7 September 2007 from the Secretary-General to the President of the General Assembly (A/61/1042). In his letter, the Secretary-General suggests that his first annual report on the Peacebuilding Fund, which has been issued under the symbol A/62/138, be considered by the Assembly during the main part of the sixty-second session.

May I take it that it is the wish of the General Assembly to defer consideration of this item and to include it in the draft agenda of its sixty-second session?

It was so decided.

The President: The Assembly has thus concluded its consideration of agenda item 152.

Agenda item 68 (continued)

Report of the Human Rights Council

Draft resolution (A/61/L.67)

The President: Members will recall that the General Assembly held a debate on this item at its 51st plenary meeting, on 10 November 2006, and adopted resolution 61/177, entitled "International Convention for the Protection of All Persons from Enforced Disappearance", on 20 December 2006.

In connection with this item, the Assembly now has before it a draft resolution entitled "United Nations Declaration on the Rights of Indigenous Peoples", issued as document A/61/L.67.

I now give the floor to the representative of Peru to introduce draft resolution A/61/L.67.

Mr. Chávez (Peru) (*spoke in Spanish*): It is an honour for the delegation of Peru to introduce document A/61/L.67, which contains the text of the draft resolution whereby the General Assembly would adopt the United Nations Declaration on the Rights of Indigenous Peoples. The draft resolution is sponsored by Andorra, Armenia, Austria, Belgium, Bolivia, Costa Rica, Croatia, Cuba, Cyprus, Denmark, the Dominican Republic, Ecuador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Nauru, Nicaragua, Panama, Portugal, Serbia, Slovenia, South Africa, Spain, Switzerland, the former Yugoslav Republic of Macedonia and Timor-Leste.

Today, the General Assembly faces the enormous responsibility and challenge of bridging a significant gap in the area of promoting and protecting human rights: the protection of indigenous peoples. As attested by the various human rights protection mechanisms, such peoples are among the most vulnerable groups.

The process that brings us here began in 1982, within an expert group of the SubCommission on Prevention of Discrimination and Protection of Minorities. Thirteen years later, that group submitted to the former Commission on Human Rights a first draft declaration on the rights of indigenous peoples. Beginning in 1995, the draft was submitted for consideration to a working group of the Commission. I must stress that, for the first time in the history of the United Nations, representatives of indigenous peoples, who would enjoy the rights cited in the Declaration, actively participated in such a working group, lending unquestionable legitimacy to the document.

The working group concluded its work in 2006 with a draft text adopted that year by the Human Rights Council and submitted to the General Assembly for consideration during the present session. In our sphere of competence, the Third Committee decided last November to postpone its consideration of the Declaration so as to have more time to continue consultations in that regard. It also decided to conclude its consideration of the item during the present session.

Pursuant to those decisions, various efforts were made in recent months to address the concerns that a number of Member States expressed about the draft Declaration adopted by the Human Rights Council. As a result of those efforts and the will to find areas of agreement, a revised draft version was elaborated that made several clarifications to the text, which we now present to the General Assembly for adoption. Those clarifications have been duly communicated to Member States and to representatives of indigenous peoples. On the basis of our consultations, we are convinced that the changes do not undermine the substantive aspects of the protection of indigenous peoples and, at the same time, that they guarantee adoption of the Declaration at the present session.

Now that this 25-year process is concluding, I wish to particularly thank you, Madam President, and your facilitator, Ambassador Davide of the Philippines, for your efforts to bring the parties together. I also express my gratitude for the flexibility shown by our interlocutors, both governmental representatives and representatives of indigenous peoples. We are certain that this text will lay the foundations for a sound new relationship between the world's indigenous peoples and the States and societies in which they live and with which they coexist.

In that connection, we call upon all delegations to join in this human rights and development initiative and to adopt the draft resolution without a vote.

The President: We shall now proceed to consider draft resolution A/61/L.67.

Before giving the floor to speakers in explanation of vote before the voting, may I remind members that explanations of vote are limited to 10 minutes and should be made by representatives from their seats.

Mr. Hill (Australia): Australia has actively worked to ensure the adoption of a meaningful declaration. We have seized every opportunity within the Commission on Human Rights Working Group on the draft declaration on the rights of indigenous peoples, the Human Rights Council and the further consultation process mandated by resolution 61/178 to engage constructively in the elaboration of the declaration. Within that process, Australia and others repeatedly called for a chance to participate in the negotiations on the current text of the declaration.

We are deeply disappointed that no such opportunity has been afforded to us. Having an opportunity to negotiate the text would have allowed us to work constructively with the entire membership of the United Nations to improve the declaration, and might have resulted in a text that enjoyed consensus. Australia wanted to ensure that any declaration could become a tangible and ongoing standard of achievement that would be universally accepted, observed and upheld. In our view, the text of the declaration before us fails to reach that high standard. Australia continues to have many concerns with the text. I would now like to touch upon a few of them.

The first has to do with self-determination. The Australian Government has long expressed its dissatisfaction with the references to self-determination in the declaration. Self-determination applies to situations of decolonization and the break-up of States into smaller States with clearly defined population groups. It also applies where a particular group within a defined territory is disenfranchised and is denied political or civil rights. It is not a right that attaches to an undefined subgroup of a population seeking to obtain political independence. The Government of Australia supports and encourages the full and free engagement of indigenous peoples in the democratic decision-making processes in their country, but it does not support a concept that could be construed as encouraging action that would impair, even in part, the territorial and political integrity of a State with a system of democratic representative Government.

Secondly, with regard to lands and resources, the declaration's provisions could be read to require recognition of indigenous rights to lands without regard to other existing legal rights pertaining to land, both indigenous and non-indigenous. It is important to stress that any right to traditional lands must be subject to national laws, otherwise the provisions would be both arbitrary and impossible to implement, with no recognition being given to the fact that ownership of land may lawfully vest in others — for example, through grants of freehold or leasehold interests in land. Many national legal systems, including Australia's, also provide for lawful compulsory acquisition of interests in land. Australia will read the lands and resources provisions of the declaration in line with its existing domestic laws, including the Native Title Act, which includes provisions for the compulsory acquisition of native title rights and interests with an entitlement to compensation.

Thirdly, with regard to free, prior and informed consent, Australia has concerns that the declaration expands any right to free, prior and informed consent too far. For example, the declaration provides that States shall obtain the free, prior and informed consent of indigenous peoples before adopting or implementing certain measures that may affect them. The scope of that proposed right is too broad. It could mean that States are obliged to consult with indigenous peoples about every aspect of law that might affect them. That would not only be unworkable, but would also apply a standard for indigenous peoples that does not apply to others in the population. Australia cannot accept a right that allows a particular subgroup of the population to be able to veto legitimate decisions of a democratic and representative Government. The provisions relating to free, prior and informed consent are also potentially inconsistent with, and go well beyond, any concept of free and informed consent that may be developing in other international forums.

With regard to intellectual property, Australia does not support the inclusion in the text of intellectual property rights for indigenous peoples. Australia extends protection to indigenous cultural heritage, traditional knowledge and traditional cultural expressions to the extent that it is consistent with Australian and international intellectual property law. However, Australia will not provide sui generis intellectual property rights for indigenous communities as envisaged in the declaration.

With regard to third-party rights, in seeking to give indigenous people exclusive rights over property, both intellectual, real and cultural, the declaration does not acknowledge the rights of third parties — in particular the rights of third parties to access indigenous land, heritage and cultural objects where appropriate under national law. The declaration fails to

consider the different types of ownership and use that can be accorded to indigenous people and fails to consider the rights of third parties to property.

With regard customary law, Australia is also concerned that the declaration places indigenous customary law in a superior position to national law. Customary law is not law in the sense that modern democracies use the term; it is based on culture and tradition. It should not override national laws and should not be used selectively to permit the exercise of practices by certain indigenous communities that would be unacceptable in the rest of the community. Australia will read the whole of the declaration in accordance with domestic laws as well as international human rights standards.

In conclusion, with regard to the nature of the declaration, it is the clear intention of all States that it be an aspirational declaration with political and moral force but not legal force. It is not intended itself to be legally binding or reflective of international law. As this declaration does not describe current State practice or actions States consider themselves obliged to take as a matter of law, it cannot be cited as evidence of the evolution of customary international law. This declaration does not provide a proper basis for legal actions, complaints or other claims in any international, domestic or other proceedings. Nor does it provide a basis for the elaboration of other international instruments, whether binding or non-binding.

Nevertheless, the text contains recommendations regarding how States can promote the welfare of indigenous peoples. Clearly, while the declaration will not be binding on Australia and other States as a matter of international law, we are aware that its aspirational contents will be relied on in setting standards by which States will be judged in their relations with indigenous peoples. Accordingly, the Government of Australia has been concerned throughout the negotiations to ensure that the declaration is meaningful, is capable of implementation and enjoys wide support in the international community. We believe that this declaration unfortunately fails in all those respects. Australia therefore cannot support it.

Mr. McNee (Canada): Canada has long demonstrated our commitment to actively advancing indigenous rights at home and internationally. We recognize that the situation of indigenous peoples around the world warrants concerted and concrete international action. We have strongly supported the establishment and ongoing work of the Permanent Forum on Indigenous Issues and the Special Rapporteur on the situation of the fundamental freedoms and human rights of indigenous peoples, and have promoted the consideration of indigenous issues within a variety of international conferences. We have a constructive, far-reaching international development programme targeted specifically at improving the situation of indigenous peoples in many parts of the world.

Canada continues to make further progress at home, working within constitutional guarantees for aboriginal and treaty rights, and with negotiated self-government and land claims agreements with several aboriginal groups in Canada. Canada also intends to continue active international engagement, both multilaterally and bilaterally. It is therefore with disappointment that we find ourselves having to vote against the adoption of this Declaration as drafted.

Since 1985, when the United Nations expert Working Group on Indigenous Populations decided to produce a declaration on indigenous rights, Canada has been an active participant in its development. Canada has long been a proponent of a strong and effective declaration that would promote and protect the human rights and fundamental freedoms of every indigenous person without discrimination and recognize the collective rights of indigenous peoples around the world. We have sought for many years, along with others, an aspirational document that would advance indigenous rights and promote harmonious arrangements between indigenous peoples and the States in which they live.

However, the text that was presented at the Human Rights Council in June 2006 did not meet such expectations and did not address some of our concerns. That is why Canada voted against it. We also expressed dissatisfaction with the process followed in Geneva.

Canada's position has remained consistent and based on principle. We have stated publicly that Canada has significant concerns with respect to the wording of the current text, including the provisions on lands, territories and resources; on free, prior and informed consent when used as a veto; on self-government without recognition of the importance of negotiations; on intellectual property; on military

issues; and on the need to achieve an appropriate balance between the rights and obligations of indigenous peoples, Member States and third parties.

The recognition of indigenous rights to lands, territories and resources is important to Canada. Canada is proud of the fact that aboriginal and treaty rights are given strong recognition and protection in Canada's constitution. We are equally proud of the processes that have been put in place to deal with aboriginal claims respecting those rights and are working actively to improve these processes to address such claims even more effectively. Unfortunately, the provisions in the Declaration on lands, territories and resources are overly broad and unclear and are susceptible of a wide variety of interpretations, discounting the need to recognize a range of rights over land and possibly putting into question matters that have already been settled by treaty in Canada.

Mr. Wali (Nigeria), Vice-President, took the Chair.

Similarly, some of the provisions dealing with the concept of free, prior and informed consent are unduly restrictive. Provisions such as article 19 provide that the State cannot act on any legislative or administrative matter that may affect indigenous peoples without obtaining their consent. While there are already strong consultation processes in place, and while Canadian courts have reinforced these as a matter of law, the establishment of a complete veto power over legislative and administrative action for a particular group would be fundamentally incompatible with Canada's parliamentary system.

In Geneva, leading up to the Human Rights Council's adoption of the text, and in New York throughout this session of the General Assembly, Canada has been very clear in proposing that further negotiations take place in an open and transparent process with the effective involvement of indigenous peoples. Over the past year, had there been an appropriate process to address these concerns, and the concerns of other Member States, a stronger declaration could have emerged, one acceptable to Canada and other countries with significant indigenous populations and which could have provided practical guidance to all States. Very unfortunately, such a process has not taken place. The few modifications presented to the General Assembly at the last minute did not arise from an open, inclusive or transparent process and do not address key areas of concern of a number of delegations, including Canada's.

It is particularly unfortunate that a number of States, such as Canada, with significant indigenous populations, cannot solidly support the adoption of this particular text as a meaningful and effective United Nations declaration on the rights of indigenous peoples.

(*spoke in French*)

However, allow me to reiterate that Canada will continue to take effective action, at home and abroad, to promote and protect the rights of indigenous peoples based on our existing human rights obligations and commitments. Such effective action, we must be clear, would not be undertaken on the basis of the provisions of this Declaration.

By voting against the adoption of this text, Canada puts on record its disappointment with both the text's substance and the process leading to it. For clarity, we also underline our understanding that this Declaration is not a legally binding instrument. It has no legal effect in Canada, and its provisions do not represent customary international law.

In conclusion, for the reasons stated today, Canada will vote against adoption of this text.

Ms. Banks (New Zealand): New Zealand is one of the few countries that from the start supported the elaboration of a declaration that promoted and protected the rights of indigenous peoples.

In New Zealand, indigenous rights are of profound importance. They are integral to our identity as a nation-State and as a people. New Zealand is unique: a treaty concluded at Waitangi between the Crown and New Zealand's indigenous people in 1840 is a founding document of our country. Today, we have one of the largest and most dynamic indigenous minorities in the world. The Treaty of Waitangi has acquired great significance in New Zealand's constitutional arrangements, law and government activity.

The place of Maori in society, their grievances and the disparities affecting them are central and enduring features of our domestic debate and of Government action. Furthermore, New Zealand has an unparalleled system for redress, accepted by indigenous and non-indigenous citizens alike. Nearly

40 per cent of the New Zealand fishing quota is owned by Maori as a result. Claims to over half of New Zealand's land area have been settled.

For those reasons, New Zealand fully supports the principles and aspirations of the Declaration on the Rights of Indigenous Peoples. New Zealand has been implementing most of the standards in the Declaration for many years. We share the belief that a declaration on the rights of indigenous peoples is long overdue and the concern that, in many parts of the world, indigenous peoples continue to be deprived of basic human rights.

New Zealand is proud of our role in improving the text over the past three years, with the objective of turning the draft declaration into one that States would be able to uphold, implement and promote. We worked hard to the very end to narrow our concerns and to be able to support this text. We appreciate the efforts made by others, in particular the African Group.

It is therefore a matter of deep regret that we find ourselves unable to support the text before us today annexed to draft resolution A/61/L.67. Unfortunately, we have difficulties with a number of provisions in the text. Four provisions in the Declaration are fundamentally incompatible with New Zealand's constitutional and legal arrangements, with the Treaty of Waitangi and with the principle of governing for the good of all our citizens. These are article 26 on lands and resources, article 28 on redress and articles 19 and 32 on a right of veto over the State.

The provision on lands and resources simply cannot be implemented in New Zealand. Article 26 states that indigenous peoples have a right to own, use, develop or control lands and territories that they have traditionally owned, occupied or used. For New Zealand, the entire country is potentially caught within the scope of the article. The article appears to require recognition of rights to lands now lawfully owned by other citizens, both indigenous and non-indigenous and does not take into account the customs, traditions and land tenure systems of the indigenous peoples concerned. Furthermore, that article implies that indigenous peoples have rights that others do not have.

In addition, the provisions on redress and compensation, in particular in article 28, are unworkable in New Zealand despite the unparalleled and extensive processes that exist under New Zealand law in this regard. Again, the entire country would appear to fall within the scope of the article. The text generally takes no account of the fact that land may now be occupied or owned legitimately by others or subject to numerous different, or overlapping, indigenous claims. It is impossible for the State in New Zealand to uphold a right to redress and provide compensation for value for the entire country. And indeed, financial compensation has generally not been the principal objective of most indigenous groups seeking settlements in New Zealand.

Finally, the Declaration, in particular its article 19 and paragraph 2 of article 32, implies that indigenous peoples have a right of veto over a democratic legislature and national resource management. We strongly support the full and active engagement of indigenous peoples in democratic decision-making processes. Seventeen per cent of our parliament identifies as Maori, compared to 15 per cent of the general population. We also have some of the most extensive consultation mechanisms in the world, where the principles of the Treaty of Waitangi, including the principle of informed consent, are enshrined in resource management law. But these articles in the Declaration text imply different classes of citizenship, where indigenous people have a right of veto that other groups or individuals do not have.

Unfortunately, those are not the only provisions that cause us difficulties. For example, we also have concerns about article 31 concerning intellectual property. But I have focused today on the provisions of central concern to New Zealand.

New Zealand takes international human rights and our international human rights obligations extremely seriously. But we are unable to support a text that includes provisions that are so fundamentally incompatible with our democratic processes, our legislation and our constitutional arrangements. These provisions are all discriminatory in the New Zealand context. This text is also clearly unable to be implemented by many States, including those that will be voting in favour of its adoption today.

The Declaration is explained by its supporters as being an aspirational document intended to inspire rather than to have legal effect. New Zealand does not, however, accept that a State can responsibly take such a stance towards a document that purports to declare the contents of the rights of indigenous people. We take the statements in the Declaration very seriously. For

that reason we have felt compelled to take the position that we do.

Lest there be any doubt, we place on record our firm view that the history of the negotiations on the Declaration and the divided manner in which its text has been adopted demonstrate that this text, particularly in the articles to which I have referred, does not state propositions which are reflected in State practice or which are or will be recognized as general principles of law.

In our experience, the promotion and protection of indigenous rights requires a partnership between the State and indigenous peoples that is constructive and harmonious. That is the foundation of New Zealand as a nation-State. It is with genuine regret and disappointment, therefore, that New Zealand is unable to support the Declaration on the Rights of Indigenous Peoples and must dissociate itself from that text.

Mr. Hagen (United States of America): We regret that we must vote against the adoption of the Declaration on the Rights of Indigenous Peoples, annexed to draft resolution A/61/L.67. We worked hard for 11 years in Geneva for a consensus declaration, but the document before us is a text that was prepared and submitted after the negotiations had concluded. States were given no opportunity to discuss it collectively. It is disappointing that the Human Rights Council did not respond to calls we made, in partnership with Council members, for States to undertake further work to generate a consensus text. This Declaration was adopted by the Human Rights Council in a splintered vote. That process was unfortunate and extraordinary in any multilateral negotiating exercise and sets a poor precedent with respect to United Nations practice.

The Declaration on the Rights of Indigenous Peoples, if it were to encourage harmonious and constructive relations, should have been written in terms that are transparent and capable of implementation. Unfortunately, the text that emerged from that failed process is confusing and risks endless conflicting interpretations and debate about its application, as already evidenced by the numerous complex interpretative statements that have been issued by States at its adoption in the Human Rights Council. We cannot lend our support to such a text.

Our views with respect to the core provisions of the text can be found in a separate document, entitled "Observations of the United States with respect to the Declaration on the Rights of Indigenous Peoples", which will be available in the Hall and posted on the Web site of the United States Mission to the United Nations, and which will be circulated as an official United Nations document. That document is incorporated by reference herein and discusses the core provisions of the Declaration, including but not limited to self-determination, lands and resources, redress and the nature of the Declaration. Because the flaws in the text run through its most significant provisions, the text as a whole is rendered unacceptable.

Although we are voting against this flawed document, my Government will continue its vigorous efforts to promote indigenous rights domestically. Under United States domestic law, the United States Government recognizes Indian tribes as political entities with inherent powers of self-government as first peoples. In our legal system, the Federal Government has a government-to-government relationship with Indian tribes. In that domestic context, this means promoting tribal self-government over a broad range of internal and local affairs, including determination of membership, culture, language, religion, education, information, social welfare, maintenance of community safety, family relations, economic activities, lands and resources management, environment and entry by non-members, as well as ways and means for financing those autonomous functions.

At the same time, the United States will continue its work to promote indigenous rights internationally. In its annual human rights report, the United States Department of State reports on the situation of indigenous persons in communities throughout the world. In our diplomatic efforts, we will continue our opposition to racial discrimination against indigenous individuals and communities, and continue to press for full indigenous participation in democratic electoral processes throughout the world. We will also continue with our international assistance programmes involving indigenous peoples.

We are deeply disappointed that, in seeking to make a practical difference in the lives of indigenous peoples around the globe, the international community has not been presented with a text that is clear, transparent or capable of implementation. Those fundamental shortcomings, unfortunately, mean that the document cannot enjoy universal support to become a true standard of achievement.

Mr. Rogachev (Russian Federation) (*spoke in Russian*): The Russian Federation attaches great importance to the protection of the rights of indigenous peoples and to the strengthening of international cooperation in that area. From the very outset, we adopted a responsible approach to the process of developing a United Nations declaration on the rights of indigenous peoples. We believe that the adoption of the declaration by consensus would represent a significant step forward in ensuring the interests and rights of indigenous peoples.

The President returned to the Chair.

Many provisions of the draft declaration are appropriate and acceptable to us. Russia is convinced that such an all-encompassing document as the United Nations declaration on the rights of indigenous peoples should be a balanced, carefully weighed and authoritative international text.

Unfortunately, we are obliged to note that the draft declaration before the Assembly for adoption is not such a text. We note with satisfaction that the declaration was supplemented at the last minute with provisions on the non-impairment of the integrity and political unity of sovereign and independent States. However, in our opinion that and other useful amendments are not in themselves sufficient to make the declaration a truly balanced document. As we have noted, we cannot agree with the document's provisions relating in particular to the rights of indigenous peoples to land and natural resources, and to the procedure for compensation and redress.

The text clearly does not enjoy consensus support. It has not been duly endorsed by all interested parties. Furthermore, in the course of this session, a non-transparent format was chosen for work on the document. That ensured that a group of countries, on the territory of which live a significant number of those who may be considered indigenous peoples, was excluded at a decisive stage from the negotiation process. Such an approach is a source not only of regret to us, but also of fundamental disagreement. We hope that the manner in which the declaration is to be adopted will not set a negative precedent for the General Assembly's activities or for the United Nations work in developing new norms and standards.

Having assumed a responsible approach to this important aspect of the United Nations work, the Russian Federation nevertheless notes with regret that, in the light of the foregoing, we cannot support the draft United Nations declaration on the rights of indigenous peoples and shall abstain in the voting on draft resolution A/61/L.67. However, we intend, as in the past, to make every effort to foster international cooperation in the promotion and protection of the rights of indigenous peoples.

Mr. Ehouzou (Benin) (*spoke in French*): My country supports the text of the draft United Nations declaration on the rights of indigenous peoples before the General Assembly for adoption. I recall that Benin has been a sponsor of the draft from the very outset because we are convinced that it represents progress in the field of human rights and in particular the rights of indigenous peoples.

During the negotiating procedure, countries raised legitimate concerns and, for the sake of solidarity, my delegation supported the African position so that we might take into account the misgivings expressed by the continent. Throughout the discussions on the document within the African Group, Benin continuously called for an approach of limited openness on the text in order not to engage in endless debates.

My delegation therefore welcomes the compromise achieved and it is with true pleasure that Benin opts to vote in favour of the text before us, despite the flaws that have been stressed by some delegations, in the hope that the opportunity will arise for the declaration to be improved. It is most important to note that the text has numerous imperfections, but that it remains desirable for it to be implemented on an interim basis while improvements are introduced so that it can be endorsed by all delegations.

Mr. Montoya (Colombia) (*spoke in Spanish*): The Colombian State has incorporated into its legal system a broad range of rights aimed at recognizing, guaranteeing and implementing the rights and constitutional principles of pluralism and national ethnic and cultural diversity.

In the framework of its 1991 Constitution, Colombia has distinguished itself as one of the most advanced countries with regard to the recognition of the collective rights of indigenous peoples. According to the indigenous legislation index of the Inter-American Development Bank, Colombia is first in terms of the quality of its legislation in the sphere of cultural, economic, territorial and environmental rights,

as well as in terms of the overall quality of its indigenous legislation.

Our diversity is reflected in the existence of 84 indigenous peoples. According to the 2005 census, some 3.4 per cent of Colombians identify themselves as belonging to indigenous communities. For the Colombian State, the recognition of the traditional territories of those communities is fundamental. Today there are 710 reservations occupying an area of approximately 32 million hectares, corresponding to 27 per cent of the national territory. By the end of 2007, that area should extend to 29 per cent of the national territory. Those properties cannot be proscribed, seized or transferred. Indigenous peoples' access to collective or individual land ownership is regulated by legal and administrative provisions guaranteeing that right, in keeping with the State's objectives and with principles such as the social and ecological functions of ownership and State ownership of the subsoil and non-renewable natural resources.

In these territories, indigenous peoples carry out their own political, social and legal organization. By constitutional mandate, their authorities are recognized as public State authorities having a special nature. As far as the legal area is concerned, a special indigenous jurisdiction is recognized, which is significant progress compared with that made by other countries in the region.

Reservations participate in the central Government's budgetary transfer system. It should also be noted that all members of these communities are covered by the State-subsidized health service. In addition, the law establishes that indigenous peoples are exempt from compulsory military service — an essential provision aimed at preserving their cultural identity. And there are special electoral districts for indigenous peoples in national political elections.

In the international context, Colombia has been a leading country in implementing the prior-consultation provisions of International Labour Organization (ILO) Convention 169, to which our country is a party. Since 2003, 71 prior-consultation proceedings have been undertaken for natural resource prospecting and extraction projects and other development projects in established indigenous territories.

Cooperation with indigenous communities is a priority for the State. In this area, there are permanent forums such as the national coordination board, the national rights commission, the Amazon regional board and the national territories board. Those forums have made it possible to jointly elaborate norms and policies concerning indigenous communities from a multi-ethnic and inclusive perspective.

In order to continue these activities over the long term, the State, with participation by indigenous experts, is currently developing a comprehensive policy for indigenous communities, crucial aspects of which are related to, inter alia, territories, human rights and self-government.

In the General Assembly, Colombia has reaffirmed its commitment to the rights of indigenous communities. My delegation nevertheless supported the initiative to postpone a decision on the Declaration, because we believed that it was important to seek an agreement enabling us to adopt a Declaration acceptable to all countries — a text that would be adopted by consensus and would conform to general international and national normative frameworks. We even supported the establishment of a forum that would have enabled indigenous communities to participate in the discussion. Regrettably, the most recent consultative process in the Assembly was characterized by a lack of transparency, a lack of willingness to negotiate and a lack of openness, which did not permit such a consensus to be reached.

The Colombian constitution and body of law, as well as the international instruments ratified by our country, conform with most provisions of the Declaration on the Rights of Indigenous Peoples. However, while the Declaration is not a legally binding norm for the State and in no way constitutes the establishment of conventional or customary provisions that are binding for Colombia, my delegation finds some aspects of the Declaration to be in direct contradiction with the Colombian internal legal system, which obliged us to abstain in the voting. I shall refer briefly to some of these.

For example, article 30 of the Declaration provides that effective consultations must be held with indigenous communities prior to using their lands or territories for military activities. Under the mandate set out in our constitution, the State security forces must be present throughout the national territory to provide and guarantee to all inhabitants protection of and respect for their lives, honour and property, both individual and collective. Protecting the rights and

integrity of indigenous communities depends to a great extent on security in their territories. In that connection, instructions have been issued to the security forces to fulfil their obligation to protect the rights of such communities. Nevertheless, this provision of the Declaration contradicts the principle of the necessity and effectiveness of the State security forces, preventing the fulfilment of their institutional mission. That is not acceptable to Colombia.

Moreover, articles 19 and 32 of the Declaration refer to consultations to obtain the free, prior and informed consent of indigenous communities before adopting measures that may affect their lands or territories and other resources. In particular, the development, utilization or exploitation of mineral, water or other resources is mentioned.

The right of these communities to prior consultation is defined in our constitution and in ILO Convention No. 169. In that regard, Colombia's Constitutional Court has reiterated in its jurisprudence that there must be compatibility between the exploitation of natural resources and the protection of the social, cultural and economic integrity of indigenous communities. Therefore, it is necessary to guarantee their full, free and informed participation in the decisions taken to authorize such exploitation in their territories.

However, that Court has indicated that, while the Government is obligated to provide effective and reasonable mechanisms for participation, it is not obligatory to reach an agreement. Indigenous peoples' right to consultation is not absolute. Both the Constitutional Court and the ILO Committee of Experts have established that prior consultation does not imply a right to veto State decisions, but that it is an ideal mechanism for enabling indigenous and tribal peoples to exercise the right to express themselves and to influence the decision-making process.

The Declaration's approach to prior consent is different and could amount to a possible veto on the exploitation of natural resources in indigenous territories in the absence of an agreement. That could interfere with processes benefiting the general interest.

Other articles of the Declaration state that indigenous peoples have the right to own, develop and control the territories that they possess by reason of traditional ownership, as well as the underlying natural resources. Other related rights, such as protection against the dispossession of such resources, are also recognized. It is important to stress that many States, including Colombia, constitutionally stipulate that the subsoil and non-renewable natural resources are the property of the State in order to protect and guarantee their public use for the benefit of the entire nation. Therefore, accepting provisions such as those I have cited would run counter to the internal legal order, which is based on the national interest.

Moreover, the Declaration refers to archaeological and historical sites as well as to lands and territories, without clearly defining the concept of indigenous territories, which is relevant to achieving effective protection in terms of the rights of peoples and the obligations of the State.

Finally, Colombia has been and will continue to be a country committed to facts and realities in protecting the rights of indigenous peoples, from a realistic and participatory perspective that harmonizes national identity with the development of the State, to which all Colombians belong. The decision to abstain in the voting on this text because of the legal incompatibilities that I have identified does not change the State's firm national commitment to implementing the constitutional provisions, internal norms and assumed international obligations aimed at preserving the Colombian nation's multi-ethnic nature and protecting its ethnic and cultural diversity.

The President: We have heard the last speaker in explanation of vote.

The Assembly will now take action on draft resolution A/61/L.67, entitled "United Nations Declaration on the Rights of Indigenous Peoples". A recorded vote has been requested.

I call on the representative of Guatemala on a point of order.

Mr. Briz Gutiérrez: (Guatemala) (*spoke in Spanish*): My delegation would simply like to ask the President which delegation requested a recorded vote on draft resolution A/61/L.67.

The President: The representatives of Australia, New Zealand and the United States of America requested a recorded vote on draft resolution A/61/L.67.

We shall now begin the voting process.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Bahamas, Bahrain, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Australia, Canada, New Zealand, United States of America

Abstaining:

Azerbaijan, Bangladesh, Bhutan, Burundi, Colombia, Georgia, Kenya, Nigeria, Russian Federation, Samoa, Ukraine

Draft resolution A/61/L.67 was adopted by 143 votes to 4, with 11 abstentions (resolution 61/295).

[Subsequently the delegation of Montenegro advised the Secretariat that it had intended to vote in favour.]

The President: Before giving the floor to speakers in explanation of vote following the voting, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by representatives from their seats.

Mr. Argüello (Argentina) (*spoke in Spanish*): Argentina was actively and constructively engaged throughout the long process of dialogue, agreement and negotiation that led to today's adoption of the Declaration on the Rights of Indigenous Peoples. When the draft text of the Declaration was adopted by the Human Rights Council, Argentina regretted that it had to abstain in the voting rather than vote in favour — despite our clear political will in favour of recognition of the rights of indigenous peoples and given that the majority of the Declaration's provisions were in line with our own proposals. On that same occasion, we also regretted not having had more time to reconcile references to the right to self-determination with principles pertaining to the territorial integrity, national unity and organizational structure of each State. Fortunately, the efforts made since then to resolve those issues without undermining the rights set out and protected in the Declaration have achieved the expected results. That success was due to the inclusion in paragraph 1 of article 46 of conditions for the application of the Declaration that made it fully compatible with the principles to which I have referred.

It was thanks to those efforts and the results they achieved that Argentina was today pleased to be able to join with all the other countries that voted in favour of the adoption of the Declaration. In doing so, we reaffirmed our commitment in favour of due recognition of the rights of indigenous peoples, which is one of the most legitimate and important questions that the international community must address.

Mr. Shinyo (Japan): It was from the viewpoint of respect for the rights of indigenous peoples that the Government of Japan voted in favour of the Declaration. We would like to state our views on the Declaration.

The revised version of article 46 correctly clarifies that the right of self-determination does not give indigenous peoples the right to be separate and independent from their country of residence and that that right shall not be invoked for the purpose of impairing a State's sovereignty, national and political unity or territorial integrity. The Government of Japan shares that understanding of that right and we welcome the revision.

While the Declaration stipulates that some rights are collective rights, it seems that the concept of collective human rights is not widely recognized as a well-established concept in general international law, and most States do not accept it. Nevertheless, we are fully aware and would like to emphasize that everyone, including indigenous peoples, has fundamental human rights in international law. In that respect, taking note of the thinking at which the Declaration aims, the Government of Japan thinks that indigenous individuals bear the rights contained in the Declaration, and that with regard to certain rights they can exercise them along with other individuals who have the same rights.

The Government of Japan thinks that the rights set out in the Declaration should not harm the human rights of the others. We are also aware that, regarding property rights, the content of the rights of ownership and others relating to land and territory is firmly stipulated in the civil law and other laws of each State. Therefore, the Government of Japan thinks that the rights relating to land and territory set out in the Declaration, as well as the way those rights are exercised, are limited by due reason in the light of harmonizing and protecting third-party interests and other public interests.

Mr. Andereya (Chile) (*spoke in Spanish*): The delegation of Chile voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples, for we recognize the important and valuable contribution of indigenous peoples in building and developing our societies. The Declaration is a significant step in our great national undertaking to build a more inclusive, diverse and tolerant society.

In that context, we would like to reaffirm a crucial principle of our domestic legal system, namely, the need to "respect, protect and promote the development of indigenous people, including their culture, families and communities". That principle underpins the public policies and initiatives we are promoting for the economic, social and cultural development of our indigenous peoples. The Declaration will serve to strengthen those national efforts, which are being carried out through dialogue, respect for our specificities, observance of our international commitments and, in particular, our domestic institutions, rule of law and legal norms. It is that spirit of consensus that is reflected in article 46.

Through her support for the Declaration, President Michelle Bachelet has reaffirmed her firm and resolute commitment to democratic governance and the comprehensive development of indigenous people, all the while respecting their dignity, rights and roots.

Ms. Pierce (United Kingdom): Allow me to say at the outset that we normally would have expected to speak after the representative of the Portuguese presidency of the European Union, but as I understand from the Secretariat, for technical reasons it is not possible for the representative of Portugal to speak before us today. Therefore, allow me to say that we associate ourselves with the statement that will be made by the representative of Portugal.

The United Kingdom welcomes the Declaration on the Rights of Indigenous Peoples as an important tool in helping to enhance the promotion and protection of the rights of indigenous peoples. We recognize that indigenous peoples continue to be amongst the poorest and most marginalized peoples of the world. For too long, their voices were not sufficiently heard within the international system and their concerns received insufficient attention.

The United Kingdom would like to record its regret that it has not been possible to reach wider consensus on this important text and that some States with large indigenous populations have had no recourse but to call for a vote on it. It is of course not desirable, either from the perspective of States or for the interests of indigenous peoples, that this should be the case. Nevertheless, the United Kingdom recognizes and welcomes the efforts that have been made to advance the Declaration to its current final form, reflecting many concerns that we and others had raised in negotiations. We were therefore pleased to be able to support its adoption.

The United Kingdom fully supports the provisions in the Declaration that recognize that

indigenous individuals are entitled to the full protection of their human rights and fundamental freedoms in international law on an equal basis with all other individuals. Human rights are universal and equal for all.

I would like to recall here that, since equality and universality are the fundamental principles underpinning human rights, we do not accept that some groups in society should benefit from human rights that are not available to others. With the exception of the right to self-determination, we therefore do not accept the concept of collective human rights in international law. Of course, certain individual human rights can often be exercised collectively, in community with others. Examples would include freedom of association, freedom of religion or a collective title to property.

That remains a long-standing and well-established position of my Government. It is one we consider to be important in ensuring that individuals within groups are not left vulnerable or unprotected by allowing rights of the groups to supersede the human rights of the individual. That is without prejudice to the United Kingdom's recognition of the fact that Governments of many States with indigenous populations have granted them various collective rights in their constitutions, national laws and agreements, as we have heard today. We warmly welcome this fact, and it has served to strengthen the political and economic position and protections for indigenous peoples in those States.

In this regard, the United Kingdom strongly endorses the twenty-second preambular paragraph of the Declaration, which we understand to distinguish between individual human rights in international law and other, collective rights bestowed at the national level by Governments to indigenous peoples. The United Kingdom wishes to reaffirm that it reads all the provisions in this Declaration in the light of that preambular clause and according to that understanding of human rights and collective rights.

Furthermore, the United Kingdom understands article 46 of the Declaration to underpin the provisions of the Declaration as a whole in emphasizing that the exercise of the rights in the Declaration should respect human rights.

We understand article 3 of the Declaration as promoting the development of a new and distinct right of self-determination, specific to indigenous peoples. We therefore understand the right set out in article 3 of the Declaration to be separate and different from the existing right of all peoples to self-determination in international law, as recognized in common article 1 of the two International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights. Subsequent articles of the Declaration seek to set out the content of that new right, which is to be exercised, where it applies, within the territory of the State and is not intended to have an impact in any way on the political unity or territorial integrity of existing States. The United Kingdom therefore understands that the right put forward in the Declaration relates to the specific circumstances of indigenous people and their claims to self-determination within the territory of existing States.

The United Kingdom welcomes the seventeenth preambular paragraph of the Declaration, which reaffirms the right of all peoples to self-determination in international law. The United Kingdom notes that that affirmation of the general right in international law does not imply that the right of self-determination in international law is automatically applicable to indigenous peoples per se and does not indicate that indigenous peoples automatically qualify as "peoples" for the purposes of common article 1 of the International Covenants. That existing common article 1 right of all peoples is not qualified, limited or expanded by this Declaration.

The United Kingdom fully supports article 15 of the Declaration. United Kingdom museums are keen to promote understanding of the cultural achievements of indigenous peoples in their collections and to encourage tolerance and respect for different cultures.

The United Kingdom also understands the commitments in article 11 to provide redress through effective mechanisms and the commitment in article 12 to seek to enable access and/or repatriation through effective mechanisms as applying only in respect of such property or of such ceremonial objects and human remains as are in the ownership or possession of the State. The United Kingdom notes that its national museums and galleries are separate legal bodies that operate independently within the framework of their founding legislation.

The United Kingdom notes that the commitment to provide redress in article 12 and the commitment to

seek to enable access and/or repatriation in article 13 are to be fulfilled through effective mechanisms developed in conjunction with the indigenous peoples concerned.

The United Kingdom emphasizes that this Declaration is not legally binding and does not propose to have any retroactive application on historical episodes. Nonetheless, it will be an important policy tool for those States that recognize indigenous peoples within their national territories in implementing policies that help to protect indigenous peoples' rights. The United Kingdom confirms that national minority groups and other ethnic groups within the territory of the United Kingdom and its overseas territories do not fall within the scope of indigenous peoples to which this Declaration applies.

The United Kingdom has long provided political and financial support to the economic, social and political development of indigenous peoples around the world. We will continue to do so. Today we add our voice in support of this important political document that is the Declaration on the Rights of Indigenous Peoples. We hope and trust it will provide an important tool for indigenous peoples around the world to advance their rights and ensure their continued development and growing prosperity as peoples.

Mr. Løvald (Norway): The rights of indigenous peoples are of key importance to Norway. We welcome the adoption of the United Nations Declaration on the Rights of Indigenous People, which we believe will help promote the protection of the rights of indigenous peoples worldwide. The Declaration sets a standard of achievement to be pursued in a spirit of partnership and mutual respect. In Norway, we will do this in partnership with Sami people in Norway, who are recognized as indigenous people by the Government.

The recognition of the right to self-determination referred to in this Declaration requires that indigenous peoples have full and effective participation in a democratic society and in decision-making processes relevant to the indigenous peoples' concern. Several articles in the Declaration specify how the right to self-determination may be exercised. The Declaration emphasizes that the right to self-determination shall be exercised in conformity with international law.

Consultation with the peoples concerned is one of the measures outlined in the Declaration. As a State party to International Labour Organization's Convention No. 169, concerning Indigenous and Tribal Peoples in Independent Countries, Norway has implemented the consultation requirements specified in that Convention. Self-determination is furthermore exercised through the Sami Parliament, which is an elected body with decision-making and consultative functions within the framework of the applicable legislation. The Government has also signed an agreement with the Sami Parliament in which it sets out procedures for consultations between the Government and the Sami Parliament.

Norway considers that the Declaration is to be understood within the framework of the United Nations Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by resolution 2625 (XXV) of 24 October 1970.

Mrs. Asmady (Indonesia), Vice-President, took the Chair.

For indigenous peoples, the question of land is an issue that is crucial for indigenous culture and identity. With reference to article 26 of the Declaration before us, we state that, for States parties to International Labour Organization Convention No. 169, the rights concerned must be understood to refer to the rights specified in that Convention. As concerns article 30, Norway intends to continue military activities necessary for upholding general contingency preparedness, including national and allied training and exercises, as we consider these to be justified by a significant threat to public interests.

Ms. Ahmed (Bangladesh): Bangladesh fully supports the rights of any group that is disadvantaged. Our constitution explicitly forbids discrimination on grounds of race, religion, caste, gender or place of birth. Bangladesh adheres to all major international instruments on human rights. In April this year we ratified the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. In all international forums, Bangladesh has always supported the rights of indigenous peoples.

However, in our view, the Declaration on the Rights of Indigenous Peoples, in its present form, retains some ambiguities. In particular, indigenous peoples have not been defined or identified in clear terms. We had also hoped that this political Declaration

would be able to enjoy consensus among Member States, but unfortunately that has not been the case.

Under those circumstances, Bangladesh was obliged to abstain in the vote on the draft resolution.

Ms. Al-Zibdeh (Jordan) (*spoke in Arabic*): The delegation of the Hashemite Kingdom of Jordan voted in favour of draft resolution A/61/L.67, to which the Declaration on the Rights of Indigenous Peoples is annexed. It wishes, however, to explain its vote. In connection with articles 3 and 4, the right of self-determination must be exercised in accordance with the provisions of the Charter of the United Nations and in a manner consistent with the provisions of international law relating to the sovereignty and territorial integrity of States.

Ms. Rovirosa (Mexico) (*spoke in Spanish*): The Mexican delegation hails this very important step forward: the Assembly's adoption of the first universal instrument devoted to the rights of indigenous peoples. The Government of Mexico solemnly reaffirms the pride it takes in the multicultural and multi-ethnic nature of the Mexican nation. As we approach the bicentenary of Mexico's independence, my Government proclaims in this highest forum of humankind its profound gratitude to its indigenous peoples, which form the original foundation of our national identity. As the root-stock of today's Mexico, indigenous peoples bring the extraordinary richness of their social, economic, cultural and political institutions to the inalterable destiny of the Mexican nation as a single and indivisible country.

We welcome the spirit and thrust of the provisions of the Declaration which accord with the provisions of the constitution and laws of the United Mexican States. Article 2 of our constitution recognizes and guarantees the right of indigenous peoples and communities to self-determination and grants them autonomy to, inter alia, determine their internal forms of coexistence and organization and apply their own systems of rules to the settlement of internal disputes. Similarly, indigenous peoples in Mexico possess the right, in accordance with their traditional rules, procedures and practices, to elect their own authorities and representatives for the exercise of their own systems of internal governance. Moreover, our founding charter provides a framework within which to promote equal opportunity for indigenous people and eliminate all discriminatory practices.

Mexico interprets provisions of the present Declaration in the following way. The right of indigenous peoples to self-determination, autonomy and self-government, as set out in articles 3, 4 and 5 of the Declaration, shall be exercised in accordance with the constitution, so as to ensure the national unity and territorial integrity of our State. The provisions of articles 26, 27 and 28 relating to ownership, use, development and control of territories and resources shall not be understood in a way that would undermine or diminish the forms and procedures relating to land ownership and tenancy established in our constitution and laws relating to third-party acquired rights. The procedures set out in articles 27 and 28 are subordinate to national legislation.

Mr. Ritter (Liechtenstein): Liechtenstein has been a long-standing supporter of innovative approaches to the right of peoples to self-determination in order to fully explore the potential of this concept for the promotion and protection of human rights. We are therefore pleased that the Declaration on the Rights of Indigenous Peoples, just adopted, contains a number of provisions which mark an important new step in the way the United Nations deals with the concept of self-determination. The introduction of the right to autonomy or self-government in matters relating to internal and local affairs, including their financial aspect, offers a promising new approach which would help to genuinely address the aspirations and needs of many peoples to create an enabling environment for the full protection and promotion of human rights, without resorting to strife and violence.

It is our understanding that the reference to "political unity" in article 46 of the Declaration does not preclude any gradual granting of increasing levels of self-government to such peoples, which is based on a democratic process and the promotion and protection of minority rights. It does not exclude any democratic decision on the State structure either.

Liechtenstein voted in favour of the Declaration because we are convinced that such innovative concepts are particularly important for harmonious and cooperative relations between the State and indigenous peoples which are beneficial to the promotion and protection of all human rights of indigenous individuals, without any discrimination.

Mr. Park Hee-kwon (Republic of Korea): My Government voted in favour of the Declaration on the

Rights of Indigenous Peoples because of our belief that the Declaration will become an important milestone for the promotion, protection and further enhancement of indigenous peoples' rights. The Declaration is the outcome of more than 20 years of work by indigenous peoples and Member States, including the recent negotiations by the General Assembly at the sixty-first session to address the concerns of all parties, as was well explained by the representative of Peru.

Adoption of the Declaration constitutes a solemn pledge which sends a clear message to the international community for the survival and well-being of indigenous peoples, especially in support, inter alia, of their dwindling cultures and languages and of their right to pursue their vision of economic, social and cultural development.

The Government of the Republic of Korea hopes that adopting the Declaration will contribute to further strengthening the international human rights system as a whole by achieving equality and non-discrimination for all, and especially for marginalized indigenous peoples.

Ms. Ström (Sweden): Like my British colleague, I would like to start by saying that Sweden, of course, aligns itself with the statement to be delivered later by the representative of Portugal on behalf of the European Union presidency.

The Swedish Government is pleased that the United Nations Declaration on the Rights of Indigenous Peoples has finally been adopted by the General Assembly. Sweden supported the elaboration of the Declaration throughout the process and thus voted in favour of the adoption of the resolution. It is our hope that the implementation of the Declaration will improve the situation of indigenous peoples.

The Swedish Government firmly believes that the promotion of the human rights of indigenous individuals contributes to the maintenance and development of multicultural, pluralistic and tolerant societies, as well as to the creation of stable and peaceful democracies built upon effective participation by all groups of society.

The Declaration includes several references to collective rights. The Swedish Government has no difficulty in recognizing collective rights outside the framework of human rights law. However, it is the firm opinion of the Swedish Government that individual human rights prevail over the collective rights mentioned in the Declaration.

The Sami people are recognized as an indigenous people by the Swedish Parliament. The Swedish Government bases its relations with the Sami people on dialogue, partnership and self-determination, with respect and responsibility for cultural identity. The Government looks forward to pursuing a dialogue with Sami representatives on the implementation of the Declaration.

The Sami and other indigenous peoples must have the right to influence the use of land and natural resources that are important for their survival. The political discussion on self-determination cannot be separated from the question of land rights. The Sami's relationship to the land is at the heart of the matter. The Government of Sweden must maintain a balance between the competing interests of different groups living in the same areas of northern Sweden.

During the negotiations regarding the Declaration, Sweden expressed the view that the Declaration must indeed be possible to implement. The Swedish legal system has struck a delicate balance between the rights of its citizens with a Sami background and those with different backgrounds. The areas where the Sami have reindeer herding rights are often owned and used by non-Sami.

Some clarification of Sweden's interpretation of certain specific articles in the Declaration is necessary. The right to self-determination in article 3 should not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principles of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind.

A large part of the realization of the right to self-determination is without doubt possible to ensure through article 19, which deals with the duty of States to consult and cooperate with indigenous peoples. Article 19 can be implemented in different ways, including through a consultative process between institutions representing indigenous peoples and Governments and through participation in democratic systems, such as in the current Swedish system. It does not entail a collective right to veto.

The issue of land rights has different connotations in different States owing to historic and demographic reasons. It is the interpretation of the Swedish Government that the reference to indigenous peoples' rights in articles 26.1, 27 and 28, plus references to ownership and control in article 26.2, in the Swedish context applies to the traditional rights of the Sami people. In Sweden, those rights are called reindeer herding rights and include the right to use land and water for the maintenance by Sami members of reindeer herding communities and their reindeer; the right to reindeer herding; the right to build fences and slaughterhouses for the reindeer; and the right to hunt and fish in reindeer herding areas. In the Swedish context, article 28 does not give the Sami the right to redress for regular forestry by the forest owner. Furthermore, the Swedish Government is of the opinion that its present legal system meets the general requirements in articles 27 and 28 and has presently no intention to adjust Swedish legislation in that regard.

Sweden declares that the lands or territories of indigenous peoples mentioned in article 29.2, article 30 and article 32.2 of the Declaration will be interpreted as such lands or territories that are formally owned by indigenous peoples. Sweden is furthermore of the opinion that article 32.2 shall be interpreted as a guarantee that indigenous peoples must be consulted, not as giving them a right of veto.

It is, furthermore, the Government's understanding that nothing in article 31 conflicts with existing international intellectual property obligations. Measures to recognize and protect the exercise of the rights enumerated in article 31 should be established at the international level and negotiations are currently taking place, inter alia, in the World Intellectual Property Organization's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.

Mr. Punkrasin (Thailand): Thailand voted in favour of the resolution because we are in agreement with the spirit and intent of the United Nations Declaration on the Rights of Indigenous Peoples, as annexed thereto, and in spite of the fact that there is still a number of articles that are of concern to us.

Thailand welcomes the spirit of flexibility and compromise shown by the parties concerned during the process of negotiation. We acknowledge that the Declaration that the General Assembly has just adopted is an improvement on the draft that was put forward to the Third Committee in November last year. In that connection, Thailand wishes to make the following interpretive statement with regard to the adoption of the Declaration in question.

First, Thailand understands that the articles dealing with the right to self-determination and related rights, as enunciated, inter alia, in articles 3, 4, 20, 26 and 32 of the Declaration, shall be interpreted in accordance with the principles of territorial integrity or political unity as stated in the Vienna Declaration and Programme of Action. Article 46, paragraph 1 of the Declaration stipulates in unequivocal terms that the Declaration construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of any sovereign and independent State.

Secondly, Thailand understands that the Declaration does not create any new rights and that benefits, as specified in the Declaration, shall be interpreted in accordance with the Constitution of the Kingdom of Thailand, the domestic laws of Thailand, and international human rights instruments that Thailand is party to.

Last but not least, under the Constitution of the Kingdom of Thailand, every Thai citizen is entitled to equal enjoyment of basic rights and fundamental freedoms, without distinction and regardless of his or her background.

Mr. Tarragô (Brazil): The Brazilian delegation voted in favour of the present resolution, whereby the General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples. That decision is a major achievement, long overdue, that will provide new impetus to and acknowledgement of the efforts of States and indigenous peoples to strengthen the promotion and protection of indigenous peoples' rights.

More than a year has passed since the adoption of this Declaration by the Human Rights Council. It had been our view that the text adopted by the Council, as the rightful and best-placed United Nations organ in which to discuss and elaborate international standards in the field of human rights, should not be reopened for consideration. That notwithstanding, we praised States and indigenous peoples who spared no effort and demonstrated a great deal of flexibility to ensure this memorable result.

Brazil is home to 220 indigenous peoples, who speak 180 languages and whose original rights over their lands and to their cultural identity rely on an extensive legal and institutional framework. Areas dedicated to the exclusive and permanent use of indigenous peoples encompass roughly 12.5 per cent of the whole Brazilian territory.

Brazil takes pride in being a multi-ethnic, multicultural country. The influence of our indigenous peoples is pervasive in our food, language, lore, dances, habits, values and religious manifestations. Their traditional knowledge should also be acknowledged and duly protected, as it holds promising prospects for tackling some of the most pressing issues of the development agenda, such as the protection of biodiversity and the fight against new diseases.

The history of indigenous peoples is marked by centuries of violations of their fundamental rights. Fighting discrimination while increasing the promotion and protection of indigenous rights should be our permanent endeavour, both for ethical reasons and because of the invaluable contributions of indigenous peoples to the material and spiritual life in all our countries. Brazil is certain that the Declaration on the Rights of Indigenous Peoples will play an important role in the promotion of a more harmonious relationship between indigenous peoples and the other segments of the societies in which they live.

Brazil wishes to underscore once again the understanding that presided over the negotiations and that is clearly spelled out in the Declaration: that the exercise of the rights of indigenous peoples is consistent with respect for the sovereignty, political unity and territorial integrity of the States that they inhabit. According to our understanding, the procedures and measures referred to in the Declaration to safeguard that territorial integrity and to determine the relevant public interest are those provided for in the national legislation of each country. While exercising that responsibility, States should always bear in mind their major responsibility to protect the lives and the identity of their indigenous peoples.

The United Nations Declaration on the Rights of Indigenous Peoples is a reaffirmation of the international community's commitment to ensure the enjoyment by indigenous peoples of all human rights and fundamental freedoms.

Mr. Talbot (Guyana): Guyana voted in favour of draft resolution A/61/L.67, by which the General Assembly adopted the Declaration on the Rights of Indigenous Peoples.

Guyana is home to nine distinct Amerindian peoples: the Akawaios, Arawaks, Arekunas, Caribs, Makusis, Patamonas, WaiWais, Wapisianas and Waraus. This month, September 2007, Guyana celebrates Amerindian Heritage Month, an annual tribute to our Amerindian brothers and sisters, the original inhabitants of Guyana, who form an integral part of Guyanese society and whose contributions to the forging of our nation have been and continue to be invaluable.

In supporting the adoption of the Declaration, our delegation was motivated by the commitment, which our Government and people firmly hold, to preserving the dignity and well-being of all peoples and to safeguarding the rights of all our citizens, including the original inhabitants of Guyana, who constitute a significant percentage — indeed, 9.3 per cent — of our population. We were further motivated by the consideration that the Declaration represents a good-faith effort to address the genuine concerns and special needs of indigenous peoples everywhere, many of whom live under conditions of disadvantage and deprivation.

Indeed, Guyana views the adoption of the Declaration as marking an important and historic milestone in recognizing the rights of indigenous peoples and their equal status with all peoples everywhere. We also take note of the fact that the Declaration is political in character, as opposed to being a legally binding document, though not without potential legal implications. We are aware that some of its provisions could give rise to interpretations and expectations that may be out of consonance with its fundamental spirit and intent. My delegation therefore wishes to reserve its position on provisions of the Declaration that we view as unclear or at variance, in effect or interpretation, with our Constitution and laws.

We hope that the Declaration does not become an instrument of division or fragmentation in States or societies or an impediment to the promotion of national unity and social cohesion.

My Government remains committed to advancing the interests and enhancing the welfare of indigenous peoples. At the national level, all citizens, without

distinction, enjoy equal status before the law. However, in recognition of the specific circumstances and needs of Amerindians in Guyana, the Government has taken special measures, including the creation of a dedicated Ministry of Amerindian Affairs, the extension of land reforms, the enactment of an updated Amerindian Act 2006 to take account of current realities, and the establishment of a constitutionally mandated indigenous peoples' provision to provide opportunity for redress in matters pertaining to the rights of Amerindians in Guyana. Those measures have been undertaken through a process that allows for full and active participation by Amerindian communities and representatives.

In light of our commitment, Guyana was hopeful that an opportunity would be provided to allow the adoption of this Declaration by consensus. We find it a great pity that the Declaration, which should have been adopted unanimously, has become the source of division. However, it is Guyana's hope that in the future, the international community will be able to arrive at a position of consensus in ensuring respect for and the promotion of the rights of indigenous peoples.

Mr. Mac-Donald (Suriname): The Republic of Suriname places great importance on the promotion and protection of all human rights and fundamental freedoms, including those of indigenous peoples. With the adoption today of this historic document, the international community came to agreement on principles to govern the rights of indigenous peoples. Suriname voted in favour of the Declaration today. The amendments that were made to the Declaration addressed some of the concerns about several elements included in the original text adopted by the Human Rights Council.

Aware of the fact that indigenous peoples make up a significant part of Suriname's population and contribute to our multi-ethnic, multicultural and multireligious society, we deemed it appropriate to respond positively to the Declaration. The Government of Suriname has a responsibility to all its constituents to prevent the discrimination and marginalization of any group in our society, as well as the responsibility to ensure a just balance between the different ethnic groups. Granting special rights to one part of our population may run contrary to the concept of equal treatment.

On the more substantive issues, I would like to note that, with regard to references to the right to self-determination, the Constitution of the Republic of Suriname recognizes and respects the rights of nations to self-determination and national independence on the basis of equality, sovereignty and mutual benefit. In that regard, it shall not be understood that any group or people has a right to initiate any activity that would jeopardize the territorial integrity or political unity of the State.

With regard to the provisions pertaining to free, prior and informed consent, my delegation would like to state that this concept should not be understood as an encroachment upon the rights and duties of the State to pursue society's interests by developing its natural resources and achieving sustainable development and improving the lives of the population as a whole, and the indigenous part of our people as well.

We accept that a State should seek prior consultations in order to prevent unjustified disregard for human rights. The level, nature and extent of such consultations depend, in every instance, on the specific circumstances. Consultation should not be viewed as an end in itself, but should serve the purpose of respecting the interests of those who have traditionally inhabited and used the land. In that regard, we mean both indigenous and other peoples.

The constitution of Suriname clearly states that

> "Natural riches and resources are property of the nation and shall be used to promote economic, social and cultural development. The nation shall have the inalienable right to take complete possession of the natural resources in order to apply them to the needs of the economic, social and cultural development of Suriname".

We express the hope that all groups in our society will be inspired by this Declaration to follow the path of constructive dialogue and peaceful coexistence. In that regard, we hope that the Declaration will be placed in its correct political context.

Finally, the Republic of Suriname recognizes this document as a political document to express and demonstrate the goodwill of the State regarding the promotion and protection of all human rights and fundamental freedoms, including those of indigenous peoples. We also recognize the Declaration as an instrument for raising awareness and as a reference

document on international issues pertaining to indigenous peoples.

The Acting President: I should like to inform members that, in view of the lateness of the hour, the General Assembly will continue with the list of speakers in explanation of vote following the voting on draft resolution A/61/L.67 this afternoon at 3 p.m. I would also like to inform members that immediately following the adjournment of this afternoon's plenary meeting, there will be an informal segment to hear statements by two representatives of the indigenous community.

The meeting rose at 1.15 p.m.

United Nations A/61/PV.108

General Assembly
Sixty-first session

Official Records

108th plenary meeting
Thursday, 13 September 2007, 3 p.m.
New York

President: Ms. Al-Khalifa ..... (Bahrain)

In the absence of the President, Mr. Wali (Nigeria), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 68 (*continued*)

Report of the Human Rights Council

Draft resolution (A/61/L.67)

Mr. Baghaei Hamaneh (Islamic Republic of Iran): My delegation voted in favour of draft resolution A/61/L.67, entitled "United Nations Declaration on the Rights of Indigenous Peoples", adopted this morning by the General Assembly.

The protection of the rights of indigenous peoples all around the world is a matter of principle for the Islamic Republic of Iran, although Iran does not have any indigenous people as such. We trust that the adoption of the Declaration on the Rights of Indigenous Peoples by such an overwhelming majority will further contribute to the protection and promotion of the rights of indigenous peoples, who have long been subjected to injustices and discrimination as a result of colonization and the dispossession of their land and resources.

It is our understanding that the rights of indigenous peoples should be protected and enhanced within the context of national and international law, including the purposes and principles of the Charter of the United Nations, namely, respect for the territorial integrity and political sovereignty of the State.

It was undesirable and unfortunate that steward States decided to oppose the adoption by consensus of this important document. Nonetheless, we earnestly hope that those countries — especially those having sizable indigenous communities, particularly Canada and Australia — will observe and protect the rights of their indigenous peoples.

I request that this brief statement be registered in the official records of the General Assembly as the position of my Government.

Mr. Malhotra (India): India has consistently favoured the promotion and protection of the rights of indigenous peoples. We were supportive of the efforts made in the framework of the Working Group of the Commission on Human Rights to elaborate a draft declaration on the rights of indigenous peoples. The fact that the Working Group was not able to reach a consensus on every aspect of the Declaration, despite such prolonged negotiations, was only reflective of the extreme complexity of the issues involved. After due consideration, we supported the adoption of the draft declaration at the first session of the Human Rights Council in Geneva last year.

The Declaration does not define what constitutes indigenous peoples. Yet, it is our understanding that the issue of indigenous rights pertains to peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present State

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

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boundaries, and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions. That is precisely the definition used in International Labour Organization Convention C169 of 1989. Consistent with that definition, we regard the entire population of India at the time of our independence, and its successors, to be indigenous.

As regards the references to the right to self-determination in the Declaration, it is our understanding that the right to self-determination applies only to peoples under foreign domination and that this concept does not apply to sovereign independent States or to a section of people or a nation, which is the essence of national integrity. We note that the Declaration clarifies that this right to self-determination will be exercised by indigenous peoples in terms of their right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions. In addition, article 46 states clearly that nothing in the Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the United Nations Charter or construed as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

It is on the basis of those two understandings that India voted in favour of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples.

Ms. Myo (Myanmar): Myanmar strongly recognizes the need to promote the political, economic and cultural rights of indigenous peoples. We have also followed the time-honoured tradition of supporting the self-determination of peoples under colonial rule. We have therefore consistently supported the right of all peoples living under colonial domination to exercise their right to self-determination in accordance with the United Nations United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples.

We maintain that the indigenous peoples residing in a sovereign State that have already attained self-determination have the right to participate in the political affairs of the State in accordance with the provisions of national laws. We are gratified by the provision that nothing contained in the Declaration may be construed as authorizing or encouraging any action which dismembers or impairs, totally or in part, the territorial integrity or political unity of sovereign and independent States.

The Declaration also clearly stipulates that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration.

The provisions in the Declaration will be interpreted by Myanmar in accordance with the principles of sovereignty, territorial integrity and national unity. The nature and the scope of the measures to be taken to give effect to the Declaration will be determined in a flexible manner, bearing in mind the historical background and national particularities of Myanmar. In that understanding, my delegation voted in favour of resolution 61/295.

Mr. Mbuende (Namibia): Today, we have reached another historic milestone. Namibia is pleased to have supported the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly today. We have walked a long way to reach where we are today. Members may recall that it was Namibia, as Chairman of the Africa Group for the month of November 2006, that moved a motion for deferment of consideration of the draft declaration on the rights of indigenous peoples by the General Assembly in order to allow Member States to consult with a view to adopting the declaration before the end of the sixty-first session.

We did everything in our power to live up to that promise. We engaged in protracted consultations and negotiations with States that had concerns, as those of us who supported the declaration had, and we also had audiences with representatives of several indigenous organizations.

We made very clear from the outset that Namibia is not opposed to the idea of having a declaration on the rights of indigenous peoples. We, as historical victims of deprivation of our rights, could not do anything that would be construed as denying any peoples of their human rights. We have experienced first-hand what it is to be denied our rights. We have experienced first-hand the pain and anguish of being

treated as second-class citizens in the land of our birth. Having been victims of injustice, we became champions of human rights and the right of peoples to self-determination. We have been friends of human rights instruments.

The United Nations Declaration on the Rights of Indigenous Peoples, as adopted by the Human Rights Council, presented a number of legal problems for Namibia. The argument that the Declaration is not binding did not appeal to us. We take our obligations seriously. Once we adopt an instrument we want to promote, defend and protect it. That could not have been done if we did not effect the amendments that we did. Namibia therefore wishes to place on record its understanding of certain provisions of the Declaration.

First, Namibia understands that nothing in the Declaration may be interpreted in any way to mean that measures adopted by States for securing the equal enjoyment of human rights and fundamental freedoms of indigenous peoples and individuals create, as a consequence, new separate rights.

Secondly, Namibia wishes to place on record its understanding of article 46.1 to confirm that the Declaration does not in any way authorize or encourage any action that would dismember or impair, totally or in part, the territorial integrity and political unity of sovereign independent States.

Thirdly, Namibia understands that the word "law" in article 46.2 of the Declaration means the national laws of States. Accordingly, Namibia understands that the exercise of the rights set forth in this Declaration are subject to the limitations determined by the constitutional frameworks and other national laws of States.

Indigenous peoples are part and parcel of our society. They are not an entity distinct from the rest of us, be it culturally, linguistically or, indeed, in terms of mode of life. Hunting and gathering is a transient mode, not a permanent feature, in the life of any society. We recognize, however, that there are historically marginalized communities that need special assistance in order to be able to enjoy the rights that are enshrined in our constitution and to take advantage of political, social and economic opportunities. To that end, the Government of Namibia has designated its Deputy Prime Minister to spearhead a programme for the social and economic empowerment of marginalized communities. We believe that it will not be long until those marginalized communities are empowered to participate on an equal footing with others in the life of society and to enjoy the social and economic benefits accruing to all members of society.

Mr. Acharya (Nepal): Nepal appreciated the opportunity to vote on this historic Declaration on the Rights of Indigenous Peoples after long negotiations both in the Human Rights Council and here in the General Assembly. Nepal voted in favour of resolution 61/295 as we are strongly committed to safeguarding and promoting the rights and interests of various ethnic and indigenous peoples.

As a nation that has a diverse ethnic composition and that is home to various indigenous peoples, Nepal consistently upholds the rights of indigenous peoples. The new democratic dispensation in Nepal is fully committed to protecting the rights of indigenous peoples and has opted to pursue the path of a fully inclusive democratic framework, which has been reflected in the comprehensive peace agreement, the interim constitution adopted last year and the agreement reached earlier this year between the Government and the representatives of the *Janjatis* and indigenous peoples. Those commitments will be accommodated in the new constitution, which will be written by the Constituent Assembly to be elected on 22 November 2007. The Assembly will take decisions with regard to these issues, articulating the interests and aspirations of all Nepalese citizens, including indigenous peoples.

It has been a principled stand of the Government of Nepal to remain fully committed to the promotion and protection of the human rights of all, including the rights of indigenous peoples, in a positive manner and to support them in every possible way within the overall framework of the country's sovereignty and territorial integrity.

It is Nepal's understanding that the principles mentioned in this Declaration are collective reflections of the good intentions of the international community as guidelines for the protection and promotion of the rights of indigenous peoples and therefore do not create any binding legal or political obligations on the part of the States that voted in favour of it.

Mr. Anshor (Indonesia): My delegation voted in favour of resolution 61/295, on the Declaration on the

Rights of Indigenous Peoples, and wishes to make the following explanation.

Even after the prolonged process of negotiation on the Declaration, it is to be regretted that several important aspects of the document remain unresolved, in particular those relating to the definition of what constitutes an indigenous people. The absence of such a definition will prevent us from having a clear idea as to the individuals or groups of individuals to whom the rights set out in the Declaration are intended to be accorded or the exact situations to which the Declaration is applicable.

It is in that context that my delegation deems it necessary to make the following interpretive statement. It is our understanding that the issue of indigenous tribes pertains to people in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present State boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

That is the definition used in International Labour Organization (ILO) Convention No. 169 of 1989. According to the ILO Convention, indigenous peoples are distinct from tribal peoples — a term referring to peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations.

Given the fact that the entire population of Indonesia has remained unchanged since the time of its colonization and subsequent independence, and the fact that Indonesia is a multicultural and multi-ethnic nation that does not discriminate against its people on any grounds, the rights stipulated in this Declaration accorded exclusively to indigenous peoples are not applicable in the context of Indonesia. However, we will continue, in accordance with our national laws, to promote and protect the traditional collective rights of the sub-ethnic communities that we call *Masyarakat Adats*, which are not equivalent to indigenous peoples as referred to in the Declaration.

However, we are of the view that the Declaration will be instrumental in the promotion and protection of the human rights of the peoples to whom it is intended to be applicable.

Mr. Hayee (Pakistan): I am grateful for the opportunity to explain the position of my delegation regarding the United Nations Declaration on the Rights of Indigenous Peoples, which we adopted this morning as an annex to resolution 61/295.

Believing in the principle of the universality and interrelatedness of all human rights, we fully support the human rights of indigenous peoples as enshrined in the Declaration. Indeed, indigenous peoples have the right to freely pursue their economic, social and cultural practices as set out in that document. It is for that reason that Pakistan voted in favour of the Declaration both in the Human Rights Council and today in the General Assembly.

Although the Declaration does not contain a definition of indigenous peoples, we understand that that term stands for peoples in independent countries which are regarded as indigenous on account of their descent from the populations which inhabited the country, or the geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present State boundaries and which, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions, as stipulated in International Labour Organization (ILO) Convention No. 169, concerning indigenous and tribal peoples in independent countries.

We hope that the adoption of this Declaration will also help to fulfil the objectives of the Decade for the promotion and protection of the rights of indigenous peoples and to enable them to retain their cultural identity while participating in political, economic and social life, with full respect for their cultural values, languages and traditions.

Mr. Buffa (Paraguay) (*spoke in Spanish*): The delegation of Paraguay welcomes the adoption of resolution 61/295, "Declaration on the Rights of Indigenous Peoples". Through our vote in favour, we supported that outcome, which was the culmination of a long negotiation process in which Paraguay participated in a constructive and supportive spirit.

At the same time, I would like to express my country's position regarding the Declaration just adopted and, in particular, its article 26. They will be

interpreted in accordance with the relevant provisions of our national constitution and the normative framework of our national legal order. Finally, I wish to indicate that the 1992 constitution of the Republic of Paraguay sets out the rights of indigenous peoples in its chapter V.

Mr. Matulay (Slovakia): Slovakia aligns itself with the statement to be delivered later by the representative of Portugal on behalf of the European Union.

My country in principle welcomes the United Nations Declaration on the Rights of Indigenous Peoples as an important tool for the promotion and protection of the rights of indigenous peoples. We therefore regret that such an important tool had to be adopted by a vote.

We fully recognize the rights of indigenous peoples under international law to be on an equal footing with those of others. We therefore voted in favour of adopting the Declaration. However, Slovakia wishes to stress that international human rights protection is based on the principle of the individual character of human rights. Slovakia therefore does not accept the concept of collective human rights in international law that has been integrated into the text. We would like to point out the distinction drawn with regard to this topic in the preamble of the Declaration. It clearly distinguishes between the individual character of the human rights of indigenous individuals and the collective rights indispensable for their existence, well-being and integral development as peoples. Those collective rights should not be considered as human rights.

Taking into account that there is no indigenous population in Slovakia, I stress that the citizens of the Slovak Republic do not fall under the scope of the Declaration.

Mr. Aksen (Turkey): Last year in the Third Committee, Turkey supported the initiative to defer consideration of the United Nations Declaration on the Rights of Indigenous Peoples so that negotiations on the text could continue, with a view to achieving broader support for this important Declaration. We are pleased to see that the amendments made to the text of the Declaration, as well as to the draft resolution by which the Declaration has been adopted, have been instrumental in achieving the desired broader support. In that regard, Turkey voted in favour of the adoption of the Declaration. For the record, Turkey would like to underline the following interpretative points in relation to the Declaration.

The Declaration is not legally binding. However, it can constitute an important policy tool for those States that recognize indigenous peoples within their national territories. Turkey does not have any group within its territory that falls within the scope of indigenous peoples to which the United Nations Declaration on the Rights of Indigenous Peoples applies.

Turkey would like to emphasize that, as stated in paragraph 1 of article 46 of the Declaration,

> "Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States."

Mr. Hermoso (Philippines): My delegation is taking the floor to explain its vote following the voting on the United Nations Declaration on the Rights of Indigenous Peoples.

The Philippines has consistently upheld the promotion and protection of the rights of indigenous peoples. Section 22 of article II of the Constitution expressly provides that "The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development." In addition, in 1997 the Philippine Congress passed the Indigenous Peoples Rights Act, which promotes and protects the rights of indigenous cultural communities in the Philippines.

It is on that basis that the Philippines voted in favour of the United Nations Declaration of the Rights of Indigenous Peoples. My delegation's expressions of support is premised on the understanding that the right to self-determination as expressed in article 3 of the document shall not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of a sovereign or independent State possessed of a Government representative of the whole of the people belonging to that territory.

Our vote of support is likewise premised on the understanding that ownership of lands and natural resources is vested in the State, in accordance with the doctrine embodied in section 2 of article XII of the Philippine Constitution.

Mr. Akindele (Nigeria): We of the Nigerian delegation are indeed very elated at seeing you in the Chair this afternoon, Sir.

Coming to the crux of the matter, today, 13 September 2007, is a very historic day indeed. We have just witnessed the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. The Nigerian delegation welcomes the broad areas covered by the Declaration, which are in tandem with, and germane to, the Nigerian Constitution. Indeed, the Nigerian Constitution is replete with provisions strengthening some of those areas.

However, my delegation wishes to stress that a number of concerns critical to the interests of my country were not satisfactorily addressed. Some of those concerns include the issue of territorial integrity, self-determination — articles 3 and 4 — the control of lands, territories and resources — article 26 — and article 37, which deals with the important issue of treaties.

My country's national institutions, national laws — including its national human rights commission — and the principle of federal character — under which we established the Federal Character Commission — all ensure national integration. They will continue to promote the issue of the human rights, culture and the dignity of indigenous peoples. Indeed, those provisions affect all the rights of all Nigerians. In addition, the slogan "Unity in diversity" continues to be the guiding principle in the management of the more than 300 ethnic groups in Nigeria, which speak more than 300 languages.

We are therefore pleased to have abstained from voting this morning.

Mrs. Pérez Álvarez (Cuba) (*spoke in Spanish*): Putting an end to the isolation, discrimination and usurpation of land suffered by indigenous peoples for more than five centuries has been the driving force behind the efforts of innumerable actors throughout the world. Indigenous peoples from around the world have claimed from the international community a place from which they can raise their voices in peaceful protest, based on concrete historical reasons.

The meeting held in Geneva in 1977 was an important milestone as regards the role played by indigenous peoples in multilateral diplomacy. Five years later, in 1982, on the initiative of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights, the Working Group on Indigenous Populations was established as the first United Nations entity to address that question, thus opening the door for ancestral claims by indigenous peoples.

In parallel, during the first International Decade for the World's Indigenous People, 1995 to 2004, significant results were achieved in the quest for a solution to the problems facing these communities, including the reports by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the establishment of the Permanent Forum on Indigenous Issues and its secretariat. In particular, we should note the dedicated work of the Working Group of the former Commission on Human Rights in completing the drafting of the United Nations Declaration on the Rights of Indigenous Peoples, which can be considered the greatest United Nations contribution to ending the predatory and discriminatory treatment to which indigenous societies have been subjected for centuries.

The adoption of the draft declaration had long been pending before the Assembly. The first International Decade of the World's Indigenous People came to an end without the adoption of that most important initiative. Today the second Decade can count among its most substantial achievements the adoption of the Declaration, the outcome most hoped for by indigenous peoples and one of the greatest commitments of the human rights movement.

The Declaration and its future impact on the work of the United Nations in this area will serve as a guide for meeting the claims of indigenous communities. Cuba believes that the Human Rights Council and its subordinate bodies should attentively follow the Declaration's implementation in order to fully realize the human rights of indigenous peoples by virtue of the Declaration. Cuba reaffirms that the purpose of the United Nations for the current Decade should not be limited to a definition of the rights of indigenous peoples or to seeking to integrate these rights within

development parameters that are virtually rejected by the majority of these peoples, since those parameters are alien to their particular and vital needs.

Furthermore, Cuba will continue to support the just claims of indigenous peoples. Finally, our national legislation must now give due recognition to the rights of indigenous peoples and foster their effective fulfilment, protecting the free exercise of these rights by those who possess them, through mechanisms that can guarantee this and for their general well-being.

Mr. Kaludjerović (Montenegro): On behalf of my delegation I should like to put on record that we welcome the adoption of the Declaration annexed to resolution 61/295. We consider that it will be an important tool that will help enhance the promotion and protection of the rights of indigenous peoples.

Ms. Gendi (Egypt): Believing in the rights of indigenous peoples, Egypt voted in favour of the adoption of the Declaration on the Rights of Indigenous Peoples, annexed to resolution 61/295. Despite the fact that the text is not a perfect one, we believe that the amendments introduced to the text of the Declaration guarantee that nothing within the text shall be interpreted as redefining self-determination, territorial integrity, the political unity of sovereign States or the right of independent States to have full control over their own land and resources, as enshrined in the Charter of the United Nations.

The Acting President: We have heard the last speaker in explanation of vote. We will now hear statements after the adoption. I give the floor to Mr. Choquehuanca Céspedes, Minister for Foreign Affairs of Bolivia.

Mr. Choquehuanca Céspedes (Bolivia) (*spoke in Spanish*): Indigenous peoples, with our characteristic patience, have waited for 25 years since the Commission on Human Rights began its preparation of this instrument on the rights of indigenous peoples. Today, 25 years later, we see fundamental worldwide changes. On the one hand, we see a world where States inspired by the West cannot maintain their development. Such development has provoked great imbalances, not only among human beings but also between human beings and nature.

We are facing various crises. We hear of worldwide institutional crises, energy crises, food crises, climate change. The age of oil is coming to an end, and we are using up the planet's natural resources faster than it can replace them. The planet is warming; rainfall patterns have changed; hurricanes and earthquakes are becoming more and more frequent. Our mother Earth, our Pacha Mama, is mortally wounded.

In the face of these crises, indigenous peoples stand out as a reservoir of scientific knowledge about life, with their codes, values and principles which not only seek a balance between and among people but also a balance between human beings and nature. They have much to contribute to the efforts to save planet Earth. This new historic stage is giving rise to a new reading of indigenous reality.

In Bolivia, we are working to live well, not better. We indigenous peoples are not trying to live better; we are trying to live well. Our communities do not want anybody to live better. We do not want to see certain peoples living better than others or certain persons living better than others. Living well is not the same as living better. Lying is not living well; exploiting one's neighbours is not living well; destroying nature is not living well. If you exploit those around you, you might perhaps live better. That is not what we want. We do not want the misuse of nature to permit us to live better. Indigenous people are not asking for that. We are in the process of recovering our knowledge, our values and our codes.

In this context, after our peoples being neglected for hundreds of years, this Declaration is the least that could be adopted to give all of us tools for recognizing the existence of indigenous peoples.

The Declaration is not a solution and does not resolve the problems of peoples or the planet. It is, however, a step forward. As many speakers have said, its drafting was not perfect. We might have liked to see a broader consensus and more active participation on the part of indigenous peoples. It is, however, a first step. It is a very important step in helping indigenous peoples to end discrimination, strengthen their identity and spirituality, and ensure the recognition of their rights to land and natural resources and to be consulted and participate in decision-making.

That is why we welcome the adoption of the Declaration and congratulate all those who made it possible for that instrument to be adopted on behalf of indigenous peoples and the world.

The Acting President: I call on the representative of Portugal to speak on behalf of the European Union.

Mr. Salguiero (Portugal): I have the honour to deliver this general statement on behalf of the European Union. The candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia; the countries of the Stabilisation and Association Process and potential candidates Albania, Montenegro and Serbia; as well as the Republic of Moldova and Armenia align themselves with this statement.

The European Union supported the Human Rights Council resolution adopting the text of the United Nations Declaration on the Rights of Indigenous Peoples in June 2006. Today, we adopted an amended text which aims to ensure the widest possible support for the Declaration.

The European Union supports this new compromise text and is encouraged to see that it has the support of a broad range of indigenous representatives, who played an important role during the process leading to the adoption of the Declaration. It is our belief that the adoption of the Declaration today will advance the rights and ensure the continued development of indigenous peoples around the world, and we would like to salute them for this achievement.

Mr. Briz Gutiérrez (Guatemala) (*spoke in Spanish*): As a multicultural, multilingual and multiethnic country, Guatemala wishes to express its great pleasure at the adoption of the United Nations Declaration on the Rights of Indigenous Peoples.

Today, a 20-year struggle has come to an end with the adoption of a text acceptable to a majority of Member States and with content that enhances the dignity of the world's indigenous peoples. Most valuable of all in the process is that those for whom the Declaration exists — the indigenous peoples themselves — along with many States that supported today's adoption, have achieved the goal of creating a balanced and useful instrument that is a true guide for helping to improve the individual and collective living conditions of the indigenous peoples. Great care was taken at every step to ensure the Declaration's consistency with the general principles of human rights and international law, seeking the promotion and protection of and respect for the rights of indigenous peoples.

Guatemala was convinced that the Declaration would be adopted by consensus by the Human Rights Council and by this Assembly. That was our idealistic hope, but we are aware that reality is different. That is why the text adopted by the Human Rights Council underwent various amendments before it was adopted today. Along with representatives of indigenous peoples, we would have preferred that it not be amended, but we are satisfied that consideration was taken of concerns expressed by other States that, like Guatemala, truly seek to improve the living standards of over 350 million indigenous peoples living in a variety of situations and circumstances throughout the world. May the Declaration be genuinely universal.

In Guatemala about five centuries ago, Fra Bartolomé de las Casas spoke up in defence of indigenous peoples. That task is today finding legitimate and concrete expression in the Declaration. The Declaration does not create new rights, but reaffirms the right of indigenous peoples to self-determination so that they can freely determine their own economic, political, social and cultural development. It recognizes their collective right to live in freedom, peace and security as distinct peoples within the territorial integrity and political unity of the State.

In cosponsoring the resolution whereby the United Nations Declaration on the Rights of Indigenous Peoples was adopted, Guatemala reaffirms its conviction that the full realization of those peoples' human rights is a prerequisite for attaining peaceful and harmonious coexistence. While the Declaration cannot make up for the past, it can in the future rectify unjust social relations, preventing racism, discrimination and intolerance.

The Government of Guatemala also believes that the Declaration on the Rights of Indigenous Peoples is a minimal decalogue, allowing indigenous peoples to be called by their own names and freely to participate in political, economic, social, cultural, ecological and spiritual life of the nation on an equal footing. They can also maintain their own forms of organization, lifestyle, culture and traditions, preserving and using their own language. They can participate in the development of their own education systems and programmes, and in any decision affecting the use and exploitation of resources in their territory, in accordance with primary law.

My delegation commends the efforts, tenacity, flexibility and good will of the indigenous movement and of Government delegations in Geneva and New York. Over more than two decades of continuous negotiations, they succeeded in producing this extraordinary historic instrument.

Finally, for Guatemala the Declaration is the expression of the political will of the international community to recognize, defend and respect those peoples. It is the first instrument concerning the human rights of indigenous peoples adopted by the General Assembly, and joins the Universal Declaration of Human Rights, which was also adopted by a recorded vote, in forming the backbone of this Organization, which was created for just such noble purposes and principles. With its adoption today, we open the door to a better future for indigenous peoples worldwide.

Mr. Nuorgam (Finland): I have the honour to address the Assembly not only as a member of the delegation of Finland, but also as a representative of the Sami Parliament in Finland. It is an elected body with autonomous decision-making functions through which the self-determination of the Sami people is exercised in Finland. I am therefore extremely pleased to be able to be here today to witness this important occasion.

The First International Decade of the World's Indigenous Peoples, which was initiated by the World Conference on Human Rights in 1993, had two major goals: to finalize a United Nations declaration on the rights of indigenous peoples and to establish a permanent forum for indigenous issues within the United Nations system. We succeeded in establishing the Permanent Forum on Indigenous Issues in 2000, which was a major achievement of the first Decade. While we regret that there were final delays in its adoption of the Declaration, we are pleased that, after many years of intense negotiations, we have now finalized the United Nations Declaration on the Rights of Indigenous Peoples. Today, we honour the work of hundreds of representatives of Governments and indigenous peoples from Latin America, Africa, the Arctic, North America, Asia and the Pacific by bringing this process — which started more than two decades ago — to a meaningful end.

The rights of indigenous peoples are of the utmost importance in Finland. This issue affects the lives not only of indigenous peoples, but of the population as a whole. We view the Declaration as an important tool in underscoring the principle of full and effective participation by indigenous peoples in decision-making processes. The adoption of the Declaration will, in our view, strengthen the promotion and protection of the rights of indigenous peoples worldwide.

As the Declaration has now been adopted, it should serve as a comprehensive framework for cooperation between States and indigenous peoples in the implementation of these new international minimum standards for upholding the rights of indigenous peoples.

Mr. Riofrío (Ecuador) (*spoke in Spanish*): Ecuador is a country recognized for its cultural and ethnic diversity. It is in that context that I speak before this plenary meeting of the General Assembly, stressing the strong commitment of my Government, with the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (resolution 61/295, annex). That historic and important instrument, which took more than 20 years to become a reality, will undoubtedly be the basic charter for the protection of the human rights of indigenous peoples throughout the world.

My country wishes to thank the President of the General Assembly for her resolve to see the Declaration adopted at the present session and to thank the representative of the Philippines for having led the open-ended negotiations on this instrument in New York. I wish to especially thank the delegations — particularly those of Mexico, Peru and Guatemala — that contributed to the success of those complex negotiations, as well as all the indigenous organizations that, during this year of consultations, consistently supported the sponsor countries in their efforts to arrive at this moment, which once seemed unreachable.

While Ecuador maintained a firm position that the text adopted by the Human Rights Council in June 2006 in Geneva should not be revisited, because we believed that its content had been sufficiently negotiated and had the support of the world's indigenous peoples, my country, together with the other sponsors of the Declaration, showed flexibility in allowing the inclusion in the text of the amendments proposed by the Group of African States, since they did not affect its substantive content regarding the

protection and promotion of the rights of indigenous peoples. That flexibility undoubtedly enabled us to achieve the necessary consensus with a majority of countries from various regions of the world. Those countries are aware that the instrument we have adopted today will contribute to improving the situation of great vulnerability facing our indigenous peoples.

Since 1998, Ecuador has recognized in its constitution the collective rights of indigenous peoples. Today, we express our commitment to implementing the Declaration in all State policies. My country congratulates the General Assembly on having met the historic challenge of incorporating into international human rights law a fundamental instrument for ending the exclusion, marginalization and obscurity of millions of human beings who for centuries have been traditionally exploited and humiliated and who expected from our Governments a decisive recognition of their collective rights.

Mr. González (Costa Rica) (*spoke in Spanish*): On this memorable day, my delegation hails the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (resolution 61/295, annex). That act is the culmination of 25 years of work and of the even longer struggle of our indigenous peoples for recognition of, and respect for, their human rights.

In Costa Rica, our legal order promotes recognition of the rights of indigenous peoples, including, inter alia, the right to territoriality, established in our indigenous law of 1977, and the customary law expressed in International Labour Organization (ILO) Convention No. 169, which was ratified by Costa Rica in 1992 and which has constitutional legal status. However, much remains to be done. We admit that we must improve indigenous peoples' access to basic services such as education and health, increase our efforts to protect and conserve their cultures and languages, promote and strengthen the participation of indigenous groups and organizations in decision-making and combat poverty, marginalization and environmental degradation, which impede the full enjoyment of their human rights.

This is the beginning of a new opportunity to correct the historic injustices committed against our indigenous peoples. That is why, as we did in the Human Rights Council, we sponsored this resolution, joining in the historic commitment to support our indigenous brothers and sisters by voting in favour of the Declaration. We hope that this new instrument will be translated into concrete actions that will benefit indigenous peoples in all parts of the world without any distinction, and that the principles of the Declaration will be incorporated, as a priority and immediately, into international efforts to protect indigenous rights carried out by the bodies, agencies, funds and programmes of the United Nations system.

Mr. Fieschi (France) (*spoke in French*): France fully subscribes to the statement made by the representative of Portugal on behalf of the European Union.

France welcomes the General Assembly's adoption of the United Nations Declaration on the Rights of Indigenous Peoples (resolution 61/295, annex). That event, which is the culmination of a process that began more than 20 years ago, is an essential step forward in the protection of human rights.

At the national level, France, which is directly concerned with the indigenous populations of its overseas territorial communities, carries out programmes to support their economic and social development within a framework that is tailored to the specificities of those populations and to their cultural expression. That is why France has supported all processes under way at the multilateral level. In particular, we provided financial support to the International Decade of the World's Indigenous People.

The Declaration on the Rights of Indigenous Peoples supplements the framework of norms enshrined in United Nations instruments regarding the promotion and protection of human rights, without calling into question individual rights and fundamental freedoms previously guaranteed.

For France, by virtue of the principle of the indivisibility of the Republic and in keeping with the basic principle of equality regarding its corollary, the principle of non-discrimination, collective rights cannot take precedence over individual rights. Nevertheless, special treatment may be accorded to indigenous populations on a territorial basis. The right to self-determination and to consultations and local referendums, as referred to in articles 3, 4, 19, 20 and 30 of the Declaration, is to be exercised in accordance with national constitutional norms, as provided in

article 46 of the Declaration. Finally, article 36, concerning the right of indigenous peoples to maintain international relations, is understood within the framework of constitutional norms in that area.

We would like to take this opportunity to reaffirm our commitment to international human rights norms and the democratic values that this Declaration aims to supplement and strengthen.

The Acting President: We have heard that last speaker in explanation of vote. I should like to express my sincere thanks, on behalf of the President, to Ambassador Hilario Davide of the Philippines who, on her behalf, so ably and patiently conducted the discussions and complex negotiations in the informal consultations on draft resolution A/61/L.67. I am sure that members of the Assembly join me in extending our sincere appreciation to him.

I shall now read out a statement on behalf of the President of the General Assembly, Sheikha Haya Rashed Al-Khalifa.

> "I would like to congratulate all the members of the General Assembly for their work on this historic Declaration. In particular, I would like to commend the professionalism that His Excellency Mr. Hilario G. Davide, Jr., Permanent Representative of the Philippines, has demonstrated while facilitating the process leading up to the adoption of this resolution.
>
> "The General Assembly has come a long way on this issue. We first opened our doors to indigenous peoples at a ceremony to launch the International Year of the World's Indigenous People, in December 1992. Then, in 1993, the United Nations marked the first International Decade of the World's Indigenous People; and, last year the beginning of the Second International Decade of the World's Indigenous People.
>
> "That partnership and cooperation demonstrate the General Assembly's continuing commitment to the world's indigenous peoples. However, even with this progress, indigenous peoples still face marginalization, extreme poverty and other human rights violations. They are often dragged into conflicts and land disputes that threaten their way of life and their very survival. They also suffer from a lack of access to health care and education.
>
> "We should not, however, cast indigenous peoples as victims, but rather as critical assets to the diversity of our global humanity. Today, by adopting the Declaration on the Rights of Indigenous Peoples, we are making further progress to improve the situation of indigenous peoples around the world.
>
> "The General Assembly has also realized another important mandate that our heads of State and Government agreed at the World Summit in 2005.
>
> "I am acutely aware that this Declaration is the product of over two decades of negotiations. The importance of this document for indigenous peoples and, more broadly, for the human rights agenda cannot be underestimated. By adopting the Declaration we are also taking another major step forward towards the promotion and protection of human rights and fundamental freedoms for all. We are also actively demonstrating the General Assembly's important role in the field of international standards-setting."

I should like to remind members that, immediately following the adjournment of this meeting, there will be an informal segment to hear statements by two representatives of the indigenous community. Members are invited to remain for that segment.

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 68?

It was so decided.

The meeting rose at 4.15 p.m.

United Nations A/61/PV.109

General Assembly

Sixty-first session

Official Records

109th plenary meeting
Monday, 17 September 2007, 10 a.m.
New York

President: Ms. Al-Khalifa ..... (Bahrain)

The meeting was called to order at 10.40 a.m.

Tribute to the memory of His Excellency Sir John Compton, Prime Minister of Saint Lucia

The President: Before proceeding to the items on our agenda, it is my sad duty to pay tribute to the memory of the late Prime Minister of Saint Lucia, His Excellency Sir John Compton, who passed away on Friday, 7 September 2007.

On behalf of the General Assembly, I request the representative of Saint Lucia to convey our condolences to the Government and the people of Saint Lucia and to the bereaved family of His Excellency Sir John Compton.

May I now invite representatives to stand and observe a minute of silence in tribute to the memory of His Excellency Sir John Compton.

The members of the General Assembly observed a minute of silence.

The President: I now call on the representative of the Philippines, who will speak on behalf of the Asian States.

Mr. Davide (Philippines): We mourn today the loss of a great leader in John George Melvin Compton, Prime Minister of Saint Lucia, which has left a pall not only over the Government of Saint Lucia but also over the people to whom he has dedicated his life-long work and service.

Governing Saint Lucia for more than a quarter of a century, Sir John Compton's political life was an epitome of dedication, commitment and loyalty to his country and people, of patience and persistence over tribulation and of triumph over seemingly insurmountable odds and challenges. His policies and vision led Saint Lucia into a new age of development. Resisting colonialism, denouncing social stratification, fighting for the interests of the working class and developing a strong market economy are the hallmarks of Sir John's leadership.

His larger-than-life presence was felt not only within Saint Lucia but beyond its shores as well. He was one of the driving forces of Caribbean integration and initiated the Eastern Caribbean Common Market, the forerunner to the Organization of Eastern Caribbean States. Truly, he has left on imprint on more than the sands of Saint Lucia, one which cannot be washed away by the tides.

But as we mourn Sir John's passing, we also pay tribute to the Government and people of Saint Lucia for steadfastly and resolutely holding on to the gains and legacy of Sir John's leadership. On behalf of the Asian Group, I express my sincerest condolences to the Government and people of Saint Lucia and wish them solace in their sorrow and hope in Sir John's new life in the beyond. Truly he has achieved immortality.

The President: I call now on the representative of Montenegro, who will speak on behalf of the Eastern European States.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

07-50762 (E)

Mr. Kaludjerović (Montenegro): On behalf of the Eastern European Group, I have the sad duty to pay tribute to the memory of an exceptional person who passed away on 7 September 2007 — Sir John Compton, Prime Minister of Saint Lucia.

Sir John, a distinguished leader of Saint Lucia for more than forty years, cleverly and prudently changed the political, economic and social milieu of his country in a number of ways. Sir John was dedicated to the advancement of the standard of life of his compatriots and was a man of great energy for and devotion to his own country. He fought to achieve independence for his country and succeeded in 1979, after which St. Lucia became the member of the United Nations.

But Sir John, being the founding father of his nation, was also a man ready to fully accept the rules of democracy. He left his Premier's post after losing elections, and afterwards returned to the premiership several times. His last term began at the age of 80, in 2006, when he won the elections and became Prime Minister for the fifth time.

He was a vocal advocate of Caribbean unity. His role in the creation of the regional common market, which is now the Caribbean Community (CARICOM), and the Organization of Eastern Caribbean States was of the utmost importance. Sir John also greatly helped in the establishment of the Caribbean Development Bank, the West Indies Associated States Council of Ministers and the Eastern Caribbean Common Market. All this makes us know and honour him for his commitment to multilateralism, and in particular to regional cooperation and integration.

Sir John Compton will be remembered for his wisdom and dedicated service to his country and the Caribbean region and as one of the most notable leaders of the contemporary world. His death has profoundly distressed us all, and on behalf of the Eastern European Group, I would like to express our sorrow to the Government and the people of Saint Lucia and to his family, friends and colleagues.

The President: I call next on the representative of Paraguay, who will speak on behalf of the Latin American and Caribbean States.

Mr. Loizaga (Paraguay) (*spoke in Spanish*): It is an honour to address the General Assembly on behalf of the Latin American and Caribbean Group as we pay a posthumous tribute to The Honourable John Compton, who was Prime Minister of Saint Lucia for several terms.

Sir John Compton, whose career took him beyond the borders of Saint Lucia, began his public life in 1953, joining the Labour Party upon returning to the country after having studied economics at the prestigious London School of Economics. His talent and his adherence to his ideals in support of those most in need enabled him to become a very important political figure not only in Saint Lucia, but also throughout the Caribbean region.

Sir John Compton, who was Saint Lucia's first Prime Minister after it had gained its independence in 1979, will rightly be remembered for his role as father of the nation and for his efforts in leading his country towards modernity through the adoption and implementation of economic and social reforms.

Sir John Compton was an outstanding political figure in the Caribbean and will also be recognized for having been a leader and promoter of the regional integration process leading to the establishment of the Caribbean Community and its institutions. His death is a loss not only for Saint Lucia and the Caribbean as a whole, but for all of us who constitute that regional group.

The Group of Latin American and Caribbean States joins in the expressions of condolence to the people and the Government of this fraternal Caribbean country.

The President: I now call on the representative of Switzerland, who will speak on behalf of the Group of Western European and other States.

Mr. Baum (Switzerland) (*spoke in French*): I have the honour and the sad duty to address the General Assembly today on behalf of the Group of Western European and other States to pay tribute to the late Prime Minister of Saint Lucia, His Excellency Sir John Compton, who died on 7 September.

Saint Lucia mourns the passing not only of its Prime Minister, but of its founding father. Sir John Compton studied law in the United Kingdom, became an attorney and soon launched a political career leading him to a position of the highest responsibility. He led his country five times — first beginning in 1964, under British administration, and then starting in 1979 as Prime Minister of an independent State. Saint Lucia owes its existence and its development to him.

Over more than five decades, he contributed to the development of his country's infrastructure, propelling it into modernity. Throughout his life, he was an ardent advocate of Caribbean regional integration.

Permit me, on behalf of the Group of Western European and other States, to express my sincere condolences to the authorities and the people of Saint Lucia. At this difficult time for them, our thoughts are particularly with the family and loved ones of the late Prime Minister.

The President: I now call on the representative of the United States of America, as host country.

Mr. Wallace (United States of America): On behalf of the United States, I would like to express our deepest condolences on the death of Saint Lucia's Prime Minister, Sir John Compton.

Sir John led his Caribbean island nation into independence in the 1970s. Both in and out of public office, he contributed greatly to the development of his country and of the Caribbean region. The nickname bestowed on him by his fellow Saint Lucians, "Daddy Compton", demonstrates his popularity and the affection with which he is regarded.

We honour the passing of Sir John and offer our condolences to his family and his countrymen.

The President: I now call on the representative of Saint Lucia.

Ms. Joseph (Saint Lucia): I wish to express to you, Madam President, the warm appreciation of the Government and the people of Saint Lucia for this opportunity to pay tribute to our late Prime Minister, The Right Honourable Sir John George Melvin Compton, who passed away on 7 September 2007. I also wish to thank the representatives of Member States who have spoken so eloquently today with words of condolence, as well as encouragement, at this most difficult time as the people of Saint Lucia mourn the passing of their Prime Minister. Saint Lucia is heartened by the many expressions of condolence and support that have been received from the international community on the passing of Sir John George Melvin Compton.

Sir John Compton was one of the most formidable political leaders in the Caribbean and a towering figure in the political evolution of Saint Lucia. After graduating from Saint Mary's College in Saint Lucia, he left for Curação to work in an oil refinery, as many Saint Lucians of the period did. He later emigrated to the United Kingdom in the 1940s to pursue higher education, completing his studies in law and economics at the University of Wales and the London School of Economics. He was called to the bar in 1951.

Sir John Compton returned to Saint Lucia that same year, joining the emerging struggle against colonialism in the Caribbean, where the process of self-determination was evolving in earnest. By 1954, he had won his first seat in the Legislative Council, as an independent candidate, representing the sugar-producing constituency of Micoud-Dennery, and was appointed to the Executive Council. In 1956, he joined the country's first mass political party, the Saint Lucia Labour Party, serving as its deputy leader, and intensified his involvement as a union activist.

In 1957, Sir John Compton personally confronted the sugar plantocracy on behalf of the workers, who had been refused the right of union representation. Following weeks of intense labour strife, which had also spread to the banana industry, the factories finally came to the negotiating table, and the rights of the union to collective representation were finally recognized. He was subsequently appointed Minister for Trade and Production.

By 1964, Sir John Compton had become the second Chief Minister of Saint Lucia as head of the newly formed United Workers Party, and in 1967 he became the first Premier of Saint Lucia when the country moved from colonial status to free associated statehood with Britain. At independence, in 1979, Sir John Compton became the first Prime Minister of our country. Elections that year resulted in a brief change of government, and he returned to power in 1982, again serving as Prime Minister until 1996, when he demitted office voluntarily with the intention of retiring from active politics. Ten years later, he was back, achieving an impressive victory at the polls and assuming once again the mantle of leadership as Prime Minister of the country. Prime Minister Compton presided over the economic and social transformation of Saint Lucia for a period of more than three decades, laying the basis for the country's long-term development.

Throughout his tenure, Prime Minister Compton was a strong advocate for Caribbean integration and

was very active in the affairs of the Caribbean Community. He also played a seminal role in the establishment of the Organization of Eastern Caribbean States as a mechanism for integration for most of the smaller island countries of the Eastern Caribbean following their independence.

Sir John Compton had a strong commitment to the development of the people of Saint Lucia and of the Caribbean region. He was always as comfortable with the ordinary St. Lucian, the so-called man on the street, as he was with leaders of international stature or with royalty. It was not uncommon that, on the one hand, he would participate in a vigorous debate in Parliament or hold discussions with visiting heads of Government, and then on the other, quickly jump into his well-worn truck and drive himself to his farm in the interior of the country to tend to his bananas, no different from any ordinary farmer.

Perhaps it is that humility and his recognition of the broader picture that are the true legacy of Sir John George Melvin Compton. To that end, his favourite poem, *If*, by Rudyard Kipling, sheds considerable light, in its last verse, on the nature and character of the man:

> "If you can talk with crowds and keep your virtue, Or walk with kings — nor lose the common touch,
>
> If neither foes nor loving friends can hurt you;
>
> If all men count with you, but none too much,
>
> If you can fill the unforgiving minute
>
> With sixty seconds' worth of distance run,
>
> Yours is the Earth and everything that's in it,
>
> And — which is more — you'll be a Man, my son!"

Indeed, Saint Lucia has lost a most honourable son and the Caribbean Community has lost one of its esteemed heads of Government. The legacy left by the Right Honourable Sir John George Melvin Compton will serve as a guiding light for future generations of leaders of our country and of our region.

The President: I call on the representative of Zimbabwe, who will speak on behalf of the Group of African States.

Mr. Chidyausiku (Zimbabwe): On behalf of the African Group, I would like to express our deep condolences to the people and Government of Saint Lucia on the passing away of Sir John Compton, the Prime Minister of Saint Lucia.

Sir John Compton, an outstanding and long-serving statesman who led his country for more than four decades, was an icon in Saint Lucia and the Caribbean region. He had a strong commitment to the development of the people of Saint Lucia and the Caribbean Community. The Africa Group would like to join the Government and the people of Saint Lucia and the family of Sir John Compton in their moment of grief. It is on that note that I wish his soul to rest in eternal peace.

Agenda item 111 (*continued*)

Question of equitable representation on and increase in the membership of the Security Council and related matters

Report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council (A/61/47)

Draft resolution (A/61/L.69/Rev.1).

The President: Members will recall that the General Assembly held a joint debate on agenda items 9 and 111 at its 72nd to 75th plenary meetings on 11 and 12 December 2006.

Under this agenda item, the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council is contained in document A/61/47, which has been distributed this morning in the Hall.

I would like to draw the attention of Member States the mistake contained in sub-paragraph (d) of paragraph 21 of the report. It has also been brought to my attention that, in the French text, the changes in sub-paragraphs (c) and (d) of paragraph 21 were inadvertently omitted. The two sub-paragraphs should read as follows:

> "(c) Urges the Working Group to exert efforts during the sixty-second session, aimed at achieving general agreement among Member States in the consideration of all issues relevant to the question of equitable representation on and

increase in the membership of the Security Council and other matters related to the Security Council;

"(d) Decides that the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council should be considered during the sixty-second session of the General Assembly so that further concrete results may be achieved, including through intergovernmental negotiations, building on the progress achieved so far, particularly at the sixty-third session, as well as the positions of and proposals made by Member States."

All these corrections will be reflected in the final version of the draft decision on the Working Group's report.

In connection with the item, the Assembly has before it a draft decision contained in paragraph 21 of the report of the Open-ended Working Group, as orally corrected. The Assembly also has before it a draft resolution issued as document A/61/L.69/Rev.1.

We shall now proceed to consider the draft decision contained in paragraph 21 of the report of the Open-ended Working Group, as orally corrected. Before giving the floor to speakers in explanation of vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

The Assembly will now take action on the draft decision contained in paragraph 21 of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council. May I take it that the Assembly decides to adopt the draft decision, as orally corrected?

The draft decision, as orally corrected, was adopted.

The President: I now call on those representatives who wish to speak in explanation of position.

Mr. Kumalo (South Africa): Allow me to begin by thanking you, Madam President, for your leadership on this very important and fundamental reform of the United Nations. The manner in which you guided our work on this issue and in which you were available to consult with all of us throughout is deeply appreciated, not only by myself but, I would say, by all the delegations in this Hall.

We also wish to pay tribute to your facilitators, who were among the best of us who serve at the United Nations. We thank them for their patience, their availability to us and the work that they have put before us.

I will join the consensus today, but without any enthusiasm. Indeed, we have come a long way with draft decision on equitable representation on and increase in the membership of the Security Council and related matters. South Africa and 27 other countries wanted a results-oriented element, based on governmental negotiations, to be reflected in the draft decision. However, we are satisfied that the draft decision takes into account some of our concerns by referring to the achievement of further concrete steps as we continue this important and fundamental reform of the United Nations.

We are also satisfied that the proposals made by Member States will be considered, because these proposals are inevitably based on important elements that need to be discussed. We are satisfied too that, in spite of resistance by many, we have now agreed that we would have intergovernmental negotiations, just as we do on many other issues in this body.

Under the aforementioned circumstances, namely the progress that we have made, I wish to inform the Assembly that we, the sponsors of draft resolution A/61/L.69/Rev.1, will not pursue the matter at this stage.

I must also say that South Africa and others are proud that a number of small States from Africa, the Caribbean and the Pacific stood firm and tall in spite of the unprecedented pressures we all faced, including the kind of dismissive language that is seldom heard in intergovernmental negotiations. Those delegations, some of which were becoming sponsors even this morning, stood firm because we believe that this issue of the reform of the Security Council is important. We are committed to pursuing it during the sixty-second session of the General Assembly, until all Member States agree that it is the best way to go forward.

Once again, allow me to thank you, Madam President, on behalf of many of the delegations that sponsored draft resolution A/61/L.69/Rev.1, for all the

work you have done. We know that this is the last day that we will see you on the podium. We wish you all the best and we want you to know, as you leave this place, that you have really moved this issue forward. We are determined to move it even further forward in the coming session.

Mr. Takasu (Japan): I would like to express my deep appreciation to you, Madam President, for the leadership you demonstrated throughout the sixty-first session of the General Assembly in raising the momentum for Security Council reform. The efforts to move forward made by the five facilitators and two ambassadors under your guidance were also greatly appreciated. We would like to commend you particularly on your tireless efforts, which made it possible to adopt the report of the Open-Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council (A/61/47) by consensus. Without your commitment, that could not have happened.

We witnessed heightened interest in Security Council reform during last week's consideration of the matter by the Open-Ended Working Group. In the course of that process, the momentum towards the early realization of such reform has been further strengthened, which augurs well for the next session of the General Assembly.

The issue of Security Council reform has been discussed over the years in the General Assembly. We believe that there is now broad agreement to move to the next stage of consideration, namely intergovernmental negotiations. It has now been decided that the Open-Ended Working Group will continue its work, and that the question of Security Council reform will be considered again at the next session. Japan sincerely hopes that concrete results will be achieved during the sixty-second session of the General Assembly through intergovernmental negotiations.

Japan continues to maintain its basic position on Security Council reform, which includes the expansion of both categories of membership, so as to make the Council more representative, effective and transparent, with enhanced effectiveness and legitimacy.

With that in mind, our delegation is ready to engage actively and constructively in the forthcoming intergovernmental negotiations in a flexible manner, with a view to producing concrete results during the next session of the General Assembly. I would like to call upon other delegations to participate in the negotiations in the same spirit, so that we may accomplish jointly this challenging task of making the Security Council more effective.

It was a real joy to work with you, Madam President. Your commitment and dedication to advancing the process and seeking a consensus were indeed gratifying. I wish you well in your next endeavours.

Mrs. Viotti (Brazil): Brazil welcomes the adoption of the decision on the question of equitable representation on and increase in the membership of the Security Council and related matters. We are glad that the decision, adopted by consensus by the Assembly, recognizes that the next stage of our consideration of this important issue will be a process of results-oriented intergovernmental negotiations, building on proposals made by Member States that contemplate an expansion in the number of both permanent and non-permanent members. This was long overdue.

Brazil expects that this process will enable us to complete the reform of the Security Council during the sixty-second session of the General Assembly. We will engage actively and constructively with all interested countries in this urgent endeavour. We invite all delegations to approach the forthcoming negotiations in the same spirit, in order to achieve our common goal.

Allow me to take this opportunity, Madam President, to express our appreciation for your tireless efforts in maintaining momentum on this important issue and in ensuring that we move into the next stage in our deliberations. I wish you all the best in your future endeavours.

Mr. Sen (India): We join other delegations in recording our appreciation for the work you did, Madam President, during the sixty-first session of the General Assembly and, on this last day of that session, wish you with all our hearts good fortune in your future undertakings.

We joined the consensus on the adoption of the draft decision on the equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council, including

the clarifications provided from the podium on including in the French version the amendments we agreed on Friday evening and the correcting of the typographical error of the words "concrete steps" to read "concrete results". Our approach and that of those who shared it was consistently reasonable, constructive and democratic, based on reflecting the real wishes of most members.

It is therefore a matter of satisfaction that the report we adopted on Friday evening finally incorporated the concepts of achieving results and holding intergovernmental negotiations on the basis of positions and proposals of Member States. We therefore joined the consensus.

For our part, we are happy not simply on account of the substance of what we struggled for, but because the struggle made us part of a group of countries with so many qualities of head and heart — part of so much dignity and courage. They strongly felt that there were wrongs to be righted and rights to be defended. The dignity and courage was in the face of rumour, innuendo and intimidation. We heard last week the force, eloquence and passion of the ringing sincerity that is the soul of true eloquence and gives wings of fire to words. We saw the shifting lights of the eloquent sentences.

Let me also compliment the interpreters, whose work is so seldom recognized. The English interpretation of, for instance, a couple of statements in French made last week by the representatives of two small island developing States did justice to the power and momentum of the original.

This is the most important portent for the future. Things will not be the same hereafter, because the voices of the developing, the small and those thought to be marginalized will continue to resonate, will not be stilled and will continue to disturb the comfortable sleep of the status quo-ists. That is the real point: there are two visions of the United Nations. One is that the United Nations should in fact — and not in comfortable fiction — in real action — and not in mere comforting words — respond to their concerns. The other vision is the cynical one of business as usual and meaningless ritual, where the General Assembly can feel the mildew coming over it and its bones turn to paste — a vision that is so useful for the powerful. Those who tell the developing, the least developed and the small that they need not be consulted strike at the heart of the democratic principle that decision-making by the many, even if some of us may be relatively inexperienced, is better than decisions made by a narrow group of the experienced and the cynical few.

Our only regret therefore is that it took the struggle of so many developing, least developed and small island developing States to make the report reflect their major concepts and that the discussion was artificially cut short in the natural process of doing so. It is not just a question of arithmetic, but one of politics; it is not just once again attempting to ignore a significant number of countries, but continuing the tradition of the marginalized only talking in words but their voices not being listened to in practice. It is the hope of that status quo-ists that they only have to sit tight and the world will remain the same. But it has changed, and will change more.

One of our colleagues said that he would quote Sheikh Jalal Al-Din Al-Roumi on Friday, but he did not do so. Let me therefore cite him. Roumi said that the mirror cannot go back to again being iron, or the bread to again being wheat. The voices of which I speak, and which the General Assembly heard last week, are familiar throughout the history of being told this by the powerful: instead of struggling for what is conducive to the common good, and what is therefore to your liking, learn to like what is imposed on you. They have demonstrated unmistakably and successfully that they are not prepared to do this anymore.

I have no wish, on this occasion, for sterile polemics with the votaries of intimidation. But I would like, in conclusion, in a lighter vein, give them not the biblical but the Shavian advice: do not do unto others as you would that they should do unto you, because their tests may be different.

Mr. Lacroix (France) (*spoke in French*): Allow me first, by way of introduction, to recall that the corrections read out by the President have not been included in the French version of the text (A/61/47) that has recently been distributed. Paragraph 21 (c) of the text to which we agreed clearly spells out the goal of continuing efforts to reach "general agreement". Paragraph 21 (d) also includes a goal, namely, that "concrete results" be achieved, including through intergovernmental negotiations.

Let me also, Madam President, commend you for the commitment and effectiveness that you have demonstrated in the course of your presidency. Security

Council reform, which is crucial to the future of the Organization, has been one of the difficult issues on which you have been able to make significant progress. Never has such thorough work been done on this issue as that reflected in the report before the Assembly today. We must build on that work and ensure that it leads to an energetic relaunching of efforts to ensure that the Security Council better takes into account the political and economic realities of the world, as well as to greater transparency in the Council's work. You were able to achieve that, Madam President.

We welcome the fact that the agreement opens the door to intergovernmental negotiations. We would certainly have wished that the General Assembly would have been more resolute in the decision to open such negotiations, but we should not downplay the progress that has been made. France attaches great importance to multilateralism, and specifically to the United Nations. Under the Charter, the Security Council has the weighty task of addressing global peace and security. It is therefore essential that this decision be clearly understood, and that it be implemented without conditions.

In order to further strengthen its legitimacy and effectiveness, we favour an expansion of the Security Council in both categories of membership — with Germany, Japan, India and Brazil as new permanent members and with fair representation for Africa. We believe that we must negotiate in good faith on this issue. I would like to reaffirm today that France is prepared to take part in such negotiations at any time and in an open and exacting spirit, and with a resolute desire to attain results.

Mr. Akram (Pakistan): First of all, let me congratulate you, Madam President, on the consensus adoption of the report (A/61/47) and of the recommendations that you have presented on the issue of the reform of the Security Council. Over the past year, you have led an open process of consultations and negotiations, with a view to reaching general agreement on Security Council reform. You have performed your task with energy, zeal and honesty.

That process of open consultations commenced, if memory serves me correctly, on 20 September 2006, at a dinner hosted by the President of Pakistan and the Prime Minister of Italy, to which all Member States were invited and where we offered to open such a process of consultations and negotiations.

The report of the five facilitators issued on 19 April added to the process a new and positive dynamic that we had not witnessed in previous years. In that report, the notions on the way forward concluded that the interim approach was the only feasible approach. The report suggested four options for the intermediate category, which included extended seats and other options that provided for re-election and rotation. The report further noted that the General Assembly should opt for a Security Council reform formula that could garner the widest possible political acceptance by the membership — and, in any case, well above the required majority in the General Assembly. The report of the five facilitators and the subsequent complementary report of the two ambassadors were widely welcomed in the Assembly as significant achievements.

Madam President, we fully agree with the content of your letter of 10 September that we must "preserve and build on the positive momentum and spirit created in the sixty-first session". The adoption of the report and its recommendations were disturbed this year by the unilateral proposal advanced by some States in document A/61/L.69, seeking to prescribe their unilateral elements and unilateral modalities for the Security Council reform process. Fortunately, that unilateralist approach evoked weak support, and we are glad that it has not been pressed to a vote. But perhaps a lesson has been learned: the lesson that voting is not an option on this sensitive issue of Security Council reform.

Pakistan and the Uniting for Consensus group have always supported a negotiated outcome. Consensus can only be achieved through negotiations; consensus cannot be achieved through a vote. But negotiations must build on the work that has already been accomplished, and the foundation for consensus is the two reports which are annexed to document A/61/47, along with the recommendations that we have just adopted.

We are glad that the conclusions in paragraph 21 state quite clearly that the efforts at the sixty-second session are to be aimed at achieving general agreement — I repeat, "general agreement" — among Member States in the consideration of all — I repeat, "all" — issues relevant to Security Council reform. And the conclusion also states that further concrete results are to be achieved by building on the progress

made so far, particularly at the sixty-first session. That progress is reflected in the two reports.

We need to proceed to the next stage. We need to agree on evolving consensus on the basis of a negotiated outcome, which is reflected in the two reports annexed to the report of the Working Group.

Let me say in conclusion that over the course of history, there have been many occasions when the seekers of privilege have come to say that they do not wish to praise Caesar but to bury him. But their real design is to seek privilege and power for themselves.

Mr. Matussek (Germany): Madam President, I wish to express my appreciation and gratitude to you for the leadership, courage and wisdom with which you have led us over 12 months to this result today. Much progress has been achieved. We have made important steps forward on the basis of the excellent work done by the facilitators. It was necessary to make sometimes painful compromises, but in the end, we followed your guidance, Madam President, in accepting what seemed to be the final possible compromise.

It is the essence of a compromise that nobody is 100 per cent satisfied. If that were the case, we all would have done a bad job. With the text adopted now, we open the door to the next stage. For us, it is important that we have consensus on this important step. That does not mean, however, that anybody has had to give up any position on the substance of the matter of reforms. We have found a consensus to move in the right direction, to move from the stage of consultations to the stage of intergovernmental negotiations, to come, in the end, to a Security Council reform that brings about a Council that is truly representative of the geopolitical realities of our age and whose legitimacy cannot be challenged by anyone.

Ms. Pierce (United Kingdom): Madam President, I would like to start by joining colleagues in paying tribute to you for your efforts on this important issue and for the leadership and guidance that you have shown us throughout all the deliberations. Our thanks go also to the facilitators.

I simply wanted to state that the United Kingdom's position on Security Council reform remains unchanged. We believe that it is important to expand the Security Council in both categories of membership. We believe that the Council should be made more representative, reflecting global realities. In doing so, we shall make it more effective. Our position is that Germany, India, Brazil and Japan should become permanent members and that there should be permanent representation for Africa. There are also a number of other claims that we heard a great deal about, and quite rightly, in the last few days of our deliberation, and they too will need important consideration.

We remain open to all options, including any that might break the deadlock. We look forward to being engaged in this important issue as we go forward.

Mr. Spatafora (Italy): At this point, I do not want to repeat what other colleagues have already said. I just want to join them, Madam President, in expressing my warmest, most sincere, strongest appreciation for your leadership.

Leadership is shown in moments of difficulty, in delicate moments, in decisive moments, and you have shown leadership exactly when it was needed, throughout this past year, and especially in the last hours and the last days. In recent days, you have shown that you are a leader; you brought all of us into a consensus position.

Also, I would like to recall that, a year ago, at the event hosted on 20 September 2006 by President Musharraf and Prime Minister Prodi, an appeal for negotiations was launched and you, Madam President, were asked to lead and to deliver. You accepted at that time, and after one year, we have seen that you have led and you have delivered.

We are now entering a new phase, turning a page. Today is a day of success not for one group or another. It is a day of success for all of us. It is a day that offers a new challenge for all of us. Let us hope that we will live up to the expectations.

Thank you very much, Madam President. Good luck, and take care of yourself.

The President: We have heard the last speaker in explanation of position.

With regard to draft resolution A/61/L.69/Rev.1, members have heard the statement by the representative of South Africa. Therefore, no action is needed on the draft resolution.

I should now like to express my sincere thanks to Ambassador Heraldo Muñoz of Chile, Ambassador Mirjana Mladineo of Croatia, Ambassador

Mavroyiannis of Cyprus, Ambassador Christian Wenaweser of Liechtenstein, Ambassador Frank Majoor of the Netherlands and Ambassador Ali Hachani of Tunisia, who conducted, on my behalf, the discussions and the complex negotiations of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council. I am sure that all members of the Assembly join me in extending to them our sincere appreciation.

May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 111?

It was so decided.

Agenda item 113 (*continued*)

Follow-up to the outcome of the Millennium Summit

The President: Members will recall that the General Assembly held a debate on this item at its 95th plenary meeting, on 17 April 2007.

Under this item, informal consultations have been conducted on the follow-up of the report of the Secretary-General entitled "Recommendations contained in the report of the High-level Panel on United Nations System-wide Coherence in the areas of development, humanitarian assistance and the environment" (A/61/836). Informal consultations have also been conducted on the review of mandates.

As stated in my letters dated 15 September 2007 to Member States, no agreement has been reached on either of these two subjects. May I therefore take it that the General Assembly decides to continue consultations on system-wide coherence at its sixty-second session? I see no objection.

It was so decided.

The President: May I also take it that the General Assembly decides to continue consultations on mandate review at its sixty-second session on how to move forward on this issue? I see no objection.

It was so decided.

The President: I should now like to express my sincere thanks to Ambassador Christopher Hackett of Barbados and Ambassador Jean-Marc Hoscheit of Luxembourg, who have so patiently conducted the discussions and negotiations on system-wide coherence. I should also like to express my sincere thanks to Ambassador Kaire Munionganda Mbuende of Namibia, Ambassador David Cooney of Ireland, Ambassador Munir Akram of Pakistan, Ambassador Iftekhar Chowdhury of Bangladesh and Ambassador Claudia Blum of Colombia, who have patiently conducted the discussions and negotiations on mandate review.

May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 113?

It was so decided.

Agenda item 108 (*continued*)

Cooperation between the United Nations and regional and other organizations

(a) Cooperation between the United Nations and the African Union

Draft resolution (A/61/L.70)

(h) Cooperation between the United Nations and the Economic Community of Central African States

(l) Cooperation between the United Nations and the Latin American Economic System

(o) Cooperation between the United Nations and the Organization for Security and Cooperation in Europe

(p) Cooperation between the United Nations and the Organization of American States

The President: Members will recall that the Assembly held a debate on agenda item 108 and its sub-items at its 38th and 39th plenary meetings, on 22 October 2006.

I now give the floor to the representative of Zimbabwe to introduce draft resolution A/61/L.70.

Mr. Chidyausiku (Zimbabwe): On behalf of the African Group, I wish to start by commending you, Madam, for convening this important meeting. Since we are in the drawdown of your presidency, allow me also to express our deep appreciation for the strength, commitment, wisdom and excellent skill with which you have led the sixty-first session of the General Assembly.

We are pleased to present to the General Assembly today the draft resolution on cooperation

between the United Nations and the African Union, which, as members know, is renewed by the Assembly every two years and which this year appears in document A/61/L.70.

During the sixty-first session of the General Assembly, we witnessed intense reflection and consultations between the United Nations and the African Union on strengthening the cooperation between the two organizations, pursuant to the recommendation set out in the 2005 World Summit Outcome (resolution 60/1). We would like to thank all our partners for their active participation and support.

We are pleased that that process culminated in, among other things, the adoption in November 2006 of the ten-year capacity-building framework for the African Union, which highlights key areas for special emphasis in cooperation between the African Union and United Nations in the areas of capacity-building and social development, peace and security and governance. The draft resolution before members today reflects those key areas, among others, and has been endorsed by the African Group. We therefore call for the support of all members of the General Assembly in order to consolidate and strengthen those efforts.

For our part, we would like to reaffirm the commitment and determination of our Governments and our peoples to fully assume their role. We attach great significance to the conjunction of our efforts with those of the United Nations on the basis of the principles enshrined in the Charter of the United Nations and the Constitutive Act of the African Union. It is our sincere hope that draft resolution A/61/L.70 will enable us to scale up cooperation between our two organizations so that we can continue to jointly and more effectively tackle the myriad complex challenges to peace, security and sustainable development in Africa.

In conclusion, I wish to express our gratitude to all sponsoring nations and partners for their support. I also appeal to the States Members of the General Assembly to lend their support to the adoption of this draft resolution by consensus, as in previous years.

The President: In connection with draft resolution A/61/L.70, I now call on the representative of the Secretariat.

Mr. Shaaban (Under-Secretary-General for General Assembly and Conference Management): In connection with draft resolution A/61/L.70, entitled "Cooperation between the United Nations and the African Union", I wish to place on record the following statement of financial implications on behalf of the Secretary-General.

Under the terms of operative paragraph 7 of draft resolution A/61/L.70, the General Assembly would call for

> "the implementation of the decision on enhancing United Nations-African Union cooperation: framework for the ten-year capacity-building programme for the African Union, and in this regard, [request] the Secretary-General to take appropriate measures to strengthen the capacity of the United Nations Secretariat and to implement its mandate with respect to meeting the special needs of Africa".

It is the intention of the Secretary-General to address such capacity with respect to meeting the special needs of Africa in conjunction with the efforts to strengthen the risk-assessment and conflict-prevention capacities of the United Nations with a view to improving its early warning, mediation support and other preventive activities in Africa and around the world, as referred to in the statement made by the President of the Security Council of 28 August 2007 (S/PRST/2007/31).

In that connection, any resource requirements and programmatic implications that have yet to be elaborated would be submitted for consideration at the sixty-second session of the General Assembly, in accordance with established procedures. Accordingly, should the General Assembly adopt the draft resolution contained in document A/61/L.70, there would be no programme budget implications at this time.

The President: We shall now proceed to consider draft resolution A/61/L.70.

Before giving the floor to speakers in explanation of vote before the voting, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Kitagawa (Japan): My delegation supports the reinforcement of cooperation between the United Nations and the African Union (AU) in the area of the maintenance of international peace and security. Furthermore, Japan has been extending assistance for the capacity-building of the AU.

With regard to the draft resolution that is before us, we can agree on many paragraphs contained in it. However, my delegation has reservations concerning the procedure followed by the sponsor countries for consultations on the draft resolution, which were not inclusive of all interested delegations, including my delegation.

In light of the absence of a statement on programme budget implications, my delegation takes it that there are no financial implications emanating from the adoption of draft resolution A/61/L.70.

Mr. Wallace (United States of America): The United States has been a staunch supporter of the African Union since its inception. On 22 December 2006, we became the first non-African nation to establish a diplomatic mission to the African Union. The United States continues to expand the range of support and collaborative activities we engage in with the African Union.

For that reason, it is with regret that we must disassociate ourselves from the draft resolution before us. While we agree with many paragraphs within the text, there are others for which insufficient time was allocated to discuss their meaning and implications. In the end, we were not given sufficient time to engage in consultations.

We trust that we will be able to thoughtfully engage in discussions on future resolutions on the same theme, and we remind our colleagues that consensus is possible only when all parties have enough time to air their views, debate their differences and achieve a common understanding and acceptance of the text of a draft resolution.

I wish you luck, Madame, and congratulate you on your time here at the United Nations.

The President: We have heard the last speaker in explanation of vote before the voting.

The Assembly will now take a decision on draft resolution A/61/L.70.

I should like to announce that, since the introduction of the draft resolution, Austria, the Central African Republic, Chad, the Comoros, Côte d'Ivoire, the Czech Republic, the Democratic Republic of the Congo, Denmark, Djibouti, Eritrea, Gabon, Germany, Greece, Italy, the Libyan Arab Jamahiriya, Mali, Mauritius, Namibia, Portugal, Seychelles, South Africa, the Sudan, Sweden and Zambia have become sponsors of the A/61/L.70.

May I take it that the Assembly decides to adopt draft resolution A/61/L.70?

Draft resolution A/61/L.70 was adopted (resolution 61/296).

The President: We now turn to sub-items (h), (l), (o) and (p) of agenda item 108.

I should like to recall for members that, pursuant to resolution 55/285 of 7 September 2001, the item entitled "Cooperation between the United Nations and regional and other organizations", including its sub-items, should be biennialized and should appear on the agenda of the General Assembly at odd-number sessions after the fifty-seventh session.

Accordingly, sub-items (h), (l), (o) and (p) of agenda item 108 will be included in the provisional agenda of the sixty-third session of the General Assembly.

The Assembly has thus concluded its consideration of sub-items (h), (l), (o) and (p) of agenda item 108 and of agenda item 108 as a whole.

Agenda item 45

The role of the United Nations in promoting a new global human order

Draft decision (A/61/L.71)

The President: Members will recall that, at its 2nd plenary meeting on 13 September 2006, the Assembly decided to include agenda item 45 in the agenda of the sixty-first session. In connection with the item, the Assembly has before it a draft decision issued as document A/61/L.71.

The Assembly will now take action on draft decision A/61/L.71. May I take it that it is the wish of the Assembly to adopt draft decision A/61/L.71?

The draft decision was adopted.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 45?

It was so decided.

Agenda items 17 and 27

The situation in the occupied territories of Azerbaijan

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The President: Members will recall that at its 2nd plenary meeting, on 13 September 2006, the Assembly decided to include these items in the agenda of the sixty-first session.

Mr. Tashchian (Armenia): The Armenian delegation dissociates itself from the consensus on the decision to transfer agenda item 17, entitled "The situation in the occupied territories of Azerbaijan", to the sixty-second session of the General Assembly.

I would also like to inform the General Assembly that the Armenian delegation dissociates itself from the consensus on the decision to transfer agenda item 27, entitled "Protracted conflicts in the GUAM area and their implications for peace, security and development", to the sixty-second session of the General Assembly. Armenia is confident that an agenda item dealing with four different conflicts cannot effectively or appropriately address the specific circumstances of each. In particular, Armenia is concerned that the unified concept behind this initiative could be detrimental to the ongoing negotiations on the settlement of the Nagorno Karabakh conflict mediated by the Minsk Group of the Organization for Security and Cooperation in Europe. Thus, Armenia believes that any active steps undertaken within that agenda item could endanger the integrity of peace talks and thus compel Armenia to review the existing format of negotiations.

The President: In connection with these items, I should like to inform members that I have received a letter dated 4 September 2007 from the Permanent Representative of Azerbaijan to the United Nations requesting that consideration of these two items be deferred to the sixty-second session. May I take it that it is the wish of the General Assembly to defer consideration of these items and to include them in the draft agenda of its sixty-second session?

It was so decided.

The President: The Assembly has thus concluded its consideration of agenda items 17 and 27.

Agenda items 12 and 19 to 25

The situation in Central America: progress in fashioning a region of peace, freedom, democracy and development

Question of Cyprus

Armed aggression against the Democratic Republic of the Congo

Question of the Falkland Islands (Malvinas)

The situation of democracy and human rights in Haiti

Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security

Consequences of the Iraqi occupation of and aggression against Kuwait

Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the aerial and naval military attack against the Socialist People's Libyan Arab Jamahiriya by the present United States Administration in April 1986

The President: Members will recall that at its 2nd plenary meeting, on 13 September 2006, the Assembly decided to include item 12 in the agenda of the sixty-first session, in accordance with its decision 60/508 of 31 October 2005. Members will further recall that, at the same plenary meeting of 13 September 2006, the Assembly decided to include items 19 to 25 in the agenda of the sixty-first session, in accordance with paragraph 4 (b) of the annex to its resolution 58/316 of 1 July 2004. In resolution 58/316 of 1 July 2004 and decision 60/508 of 31 October 2005, the General Assembly decided that these items shall remain on the agenda for consideration upon notification by a Member State. Accordingly, these items have been included in the draft agenda of the sixty-second session.

Agenda item 119

Improving the financial situation of the United Nations

The President: Members will recall that at its 2nd plenary meeting, on 13 September 2006, the

Assembly decided to include this item in the agenda of the sixty-first session. It is my understanding that it would be desirable to defer consideration of this item to the sixty-second session of the General Assembly. May I take it that it is the wish of the General Assembly to defer consideration of this item and to include it in the draft agenda of its sixty-second session?

It was so decided.

The President: The Assembly has thus concluded its consideration of agenda item 119.

Agenda item 137

Financing of the United Nations Mission in East Timor

The President: Members will recall that at its 2nd plenary meeting, on 13 September 2006, the Assembly decided to include this item in the agenda of the sixty-first session. It is my understanding that it would be desirable to defer consideration of this item to the sixty-second session of the General Assembly. May I take it that it is the wish of the General Assembly to defer consideration of this item and to include it in the draft agenda of its sixty-second session?

It was so decided.

The President: The Assembly has thus concluded its consideration of agenda item 137.

Agenda item 154

Follow-up to the recommendations on administrative management and internal oversight of the Independent Inquiry Committee into the United Nations Oil-for-Food Programme

The President: Members will recall that at its 2nd plenary meeting, on 13 September 2006, the General Assembly decided to include this item in the agenda of the sixty-first session.

Mr. Ballestero (Costa Rica) (*spoke in Spanish*): Throughout the world, the work of the United Nations is rightly acknowledged as being essential for the well-being of all peoples. It is with that goal in mind that we establish programmes and take action. Unfortunately, the image and the effectiveness of the United Nations have been affected by acts of corruption involving high-level staff members. The General Assembly ought to engage in full analysis and consideration of the consequences and implications of those acts.

Costa Rica is convinced that the only way in which we can avoid a repetition of such shameful and sad chapters as the scandal that we witnessed regarding the oil-for-food programme is through an in-depth analysis of all of the events. Certainly, based on the Volcker report, that analysis and the adoption of appropriate measures should be carried out within the General Assembly, since it is the principal legislative and deliberative organ of the Organization.

For that reason, Costa Rica would like us to retain this item on the agenda for the sixty-second session of the General Assembly.

Allow me to conclude, Madam President, by thanking you and your team for your work at the head of our deliberations. My delegation recognizes your efforts in recent months, and we welcome the success achieved thanks to your leadership. We wish you all the best in the future — and we know that that future will be very satisfactory for you.

The President: May I take it that it is the wish of the General Assembly to defer consideration of this item and to include it in the draft agenda of the sixty-second session?

It was so decided.

The President: The Assembly has thus concluded its consideration of agenda item 154.

Agenda items remaining for consideration during the sixty-first session of the General Assembly

The President: I should like to remind delegations that the following agenda items, on which action has been taken at previous meetings, remained open for consideration during the sixty-first session of the General Assembly: items 13, 14, 32, 42, 44, 47, 52, 63 (b), 90, 100, 105 (a), 106 (h), 107, 112, 115 to 118, 120 to 136, 138 to 147, 149 and 151.

As members are aware, those items have been included in the provisional agenda of the sixty-second session of the General Assembly with the exception of agenda item 120, entitled "Administrative and budgetary coordination of the United Nations with the specialized agencies and the International Atomic Energy Agency"; agenda item 126, entitled "United Nations pension system"; and agenda item 131, entitled

"Scale of assessments for the apportionment of the expenses of United Nations peacekeeping operations".

May I take it that it is the wish of the General Assembly to conclude its consideration of those items at the present session?

It was so decided.

Statement by the President

The President (*spoke in Arabic*): We have come to the end of the sixty-first session of the General Assembly. It has been an honour and a privilege to work closely with all members. I have presided over a change of leadership in the Secretariat, and we have achieved notable successes in the General Assembly.

During this session, we have worked with determination and consistency, in an open and transparent manner. From my perspective, as the only woman President for a generation, and the first from the Arab world, I have come to see the United Nations as a global family, a family that is becoming ever more interdependent. At times, like all families, some members may have differences of opinion. That is natural in such a large and diverse group. We have many mutual interests, but it is only in the spirit of collective responsibility that we can take further steps to build greater trust and cooperation. We do that best when we all join together in common cause.

Despite the suspicion and mistrust that can at times prevail, members have demonstrated repeatedly that they can rise above their national interests in the service of the common good. It is clear to me, without any doubt, that when we stand united we are stronger; when we pursue our common goals with purpose and determination, the General Assembly makes a real difference and achieves successes sought by the entire world. To do that effectively, we must all accept both our shared responsibilities and our differences. The speed of change in the world around us is accelerating. Over the past year, the world has witnessed many dramatic events; civil wars and human rights abuses continue and have escalated.

Darfur is an ongoing humanitarian crisis; the threat of terrorism continues; natural disasters have increased in frequency and scale. Climate change is no longer a matter of debate; it has become a living reality for many. We truly face a development emergency if we are going to achieve the Millennium Development Goals on time.

Unless we act decisively, the planet will, by 2015, be suffering not less environmental degradation, but more. Feeling forgotten and with misplaced hope, millions of people will still be struggling on less than one dollar a day, and millions of children will still go hungry.

Yet we should not lose hope, for I believe that great hope arises from great hardship. More important, we have the means at our disposal to address and overcome this situation. That is why I made the implementation of the Millennium Development Goals the overarching theme of this session.

Each year the challenges that the multilateral system faces change, and new priorities emerge. The United Nations has at times been slow to react and rise to the occasion. Over the years, the tools we have at our disposal to tackle pressing issues have become less effective. That gap continues to grow. However, during this session of the General Assembly we have added to the list of accomplishments and helped to close that gap. Together we have strengthened the principal organs of the United Nations and have enhanced cooperation among them, as well as with regional organizations.

As stipulated by the Charter of the United Nations, the relationship between the General Assembly and the other principal organs must be founded on complementary, and not on competitiveness. We must therefore continue to develop those relationships in an open, transparent and cooperative manner, so as to strengthen the Organization and better accomplish our common goals.

This year we succeeded in forging good working relationships with the Presidents of the Security Council and the Economic and Social Council. On several occasions, I was invited to address those Councils during their debates. I trust that cooperation will continue in future sessions. In that regard, I would like to call for the implementation of the many resolutions of the General Assembly aimed at the promotion of such transparency and cooperation, in particular resolutions 58/126, 58/316 and 59/313. Going forward, we need to ensure the faithful implementation of those and other resolutions to further enhance partnership among the principal organs.

The revitalization of the General Assembly has been a priority during this session. In addition to adopting a new resolution on the matter, we have also renewed and broadened our engagement with civil society, non-governmental organizations and the private sector.

Another essential component necessary to strengthening the General Assembly is enhancement of the leadership role of the President of the Assembly. The role of the President is not only contingent upon the political and diplomatic skills of the incumbent; it is also based on the support that the Office of the President receives from the Secretariat. It is therefore critical to strengthen the Office of the President of the General Assembly in proportion to the growing responsibilities of the President.

The thematic debates I convened on subjects of development, financing and achieving the Millennium Development Goals (MDGs), gender equality and women's empowerment, civilizations and the challenge for peace, and climate change have boosted our credibility in dealing with important issues on the global agenda. This has been the beginning of a renaissance for the General Assembly. The practice of convening thematic debates on the international priorities of the day has been an essential part of revitalizing the Assembly. I would therefore urge Member States to continue to support those initiatives, both politically and financially.

In announcing a $10 billion fund for the realization of the MDGs during the informal thematic debate on 27 November, the Islamic Development Bank, the newest member of our family, created an outstanding precedent that I hope will continue.

We can all be proud of adopting the landmark Convention on the Rights of Persons with Disabilities (resolution 61/106, annex), the International Convention for the Protection of All Persons from Enforced Disappearance (resolution 61/177, annex) and the Declaration on the Rights of Indigenous Peoples (resolution 61/295, annex). Those are major steps forward in protecting and promoting human rights and fundamental freedoms for all, as well as in reasserting the General Assembly's role as the chief deliberative and policy-making organ of the United Nations.

With the strengthening of the Economic and Social Council, I am confident the Council will more effectively be able to promote global efforts to realize our international development goals. That is both a demanding responsibility and a tremendous opportunity that we must all wholeheartedly support.

We have all reaffirmed the need to reform the Security Council. The status quo is no longer acceptable. During the next session, I hope that the membership will, on the basis of the progress made during the sixty-first session on the positions and proposals of Member States, have the courage to begin discussions on meaningful intergovernmental negotiations. The world of the twenty-first century requires us to make the Security Council more representative, legitimate and effective. It is also incumbent upon us to enhance the Organization so that we can meet the needs of the poor.

The consultations on system-wide coherence have made some progress. They have demonstrated that we are less divided on substance than on the process itself. However, the impasse is not sustainable. We need to take concrete action, as any further delay will only prolong the suffering of the poorest among us.

On the issue of gender equality, the opportunity is now squarely before the Assembly. I hope the proper decisions will be taken.

On other issues, the Assembly has demonstrated its willingness to modernize the Organization to enable it to face the challenges of the twenty-first century. Members have done that by implementing comprehensive reforms to strengthen our role in the areas of peacekeeping and peacebuilding; finalizing consultations recommending concrete options to strengthen international environmental governance; launching and reviewing the implementation of the United Nations Global Counter-Terrorism Strategy; improving the effectiveness of the Peacebuilding Commission and raising new financing for the Peacebuilding Fund — and I would like to thank the Member States that have contributed to the Fund this year, and to express my confidence that the membership at large will continue to raise additional resources in the future sessions — giving the staff of the Organization an effective system to settle disputes and administer justice and strengthening its oversight by creating the Independent Audit Advisory Committee. By adopting a new scale of assessments and finalizing the Capital Master Plan, the Assembly

has put the Organization on the right path towards the future.

We have also successfully prepared the ground for important events that will take place during the sixty-session. Those include the high-level dialogue on inter-religious and intercultural understanding, the special commemorative session on children and the high-level dialogue on financing for development.

In this complex and globalized world, there is a larger question that looms over the United Nations. Are we satisfied that the decisions that we take will have a positive impact on the ground to ease the suffering of the many people who are in dire need of our support? In part, the answer is yes, but we need to do much more.

Of course, the United Nations is not a universal cure for the world's problems, though on many issues we have shown the road ahead. Still, we have not silenced our critics. We therefore must remember that it is not they for whom we work to serve, but rather the global public.

I can tell you first hand, from my experience on official visits this year, that this Organization continues — at times against all odds — to work for the common good, to help build a more democratic and prosperous world. While the United Nations can guide the way and point out the futility of military confrontations, ultimately it is the responsibility of sovereign Member States to work out solutions to crises, particularly in the Middle East and Darfur.

More than ever before, we need to focus on the underlying lack of dialogue between civilizations, cultures and nations that is at the core of many of today's problems. The General Assembly concluded during the substantive debate on civilizations that there is a lack of understanding and mutual respect between different parts of the global community. We must tackle these issues squarely, and in doing so, we have to move beyond the outdated mindset that separates the world into donors and recipients, North and South. We live in a new age, with new possibilities and new global players from the South.

Showing the way forward, Gandhi once said that "we must become the change we want to see in the world". Today, for the membership of the United Nations, this means we must match our words with deeds, our rhetoric with action. The promises that States Members of the United Nations have made deserve to be kept. Living up to our promises and achieving the Millennium Development Goals by 2015 is one of the greatest gifts that we could give to humanity, and our future prosperity and stability. We cannot allow our commitments to remain mere pledges; then they remain only words that symbolize our broken promises.

As we close this session, I would like to take this opportunity once again to extend my deepest appreciation to all the Vice-Presidents of the General Assembly during the sixty-first session, and to thank the Chairpersons and the Bureaus of the Main Committees for all their hard work. I would like, in particular, to highlight as well the dedication of all those ambassadors who have chaired or facilitated important consultations, for without their dedicated and skilful efforts I would have nothing to report to the Assembly today.

I also want to extend my sincerest thanks to Secretary-General Ban Ki-moon for his commitment to the principles and ideals of the United Nations, and for his support for the process of reforming this international Organization throughout the last eight months during which I have closely worked with him. I also thank Ms. Asha-Rose Migiro for her continued support of my work on implementing the Millennium Development Goals, particularly in the area of gender equality.

I extend my thanks as well to the Secretariat of the United Nations, particularly the Department for General Assembly and Conference Management.

I also thank the many representatives of civil society and the NGO community, who are such great advocates for a strong United Nations.

Last but not least, I express my great appreciation of and thanks to each member of the team of the presidency of the General Assembly during the sixty-first session, who have represented the diversity of the United Nations through their dedication, hard work, skill and ability.

I wish to take the opportunity to welcome my successor, the President of the General Assembly at its sixty-second session, Mr. Srgjan Kerim. He is an accomplished academic, a leader in the private sector and an experienced diplomat who strongly believes in the United Nations. I have no doubt that the Assembly

will extend to him the same cooperation and friendship I have been so privileged to enjoy.

Mr. Secretary-General, Excellencies, distinguished delegates, I would like to thank you once again for all the work you have done over the last year. The challenge before you now is to continue to carry the torch of pluralism forward, to bring light where there is darkness, to bring hope where there is fear. Each of us here today has a responsibility; we are all accountable. Only the passage of time will judge whether we have been successful.

I can pass on this gavel knowing that I have given my all to serve the values and principles of the United Nations. For this honour, privilege and opportunity, I am deeply grateful to all of you. Thank you, farewell, and a Ramadan karim to all of you.

Minute of silent prayer or meditation

The President: We are now coming to the end of the sixty-first regular session of the General Assembly. I invite the representatives to stand and observe one minute of silent prayer or meditation.

The members of the General Assembly observed a minute of silent prayer or meditation.

Closure of the sixty-first session

The President: I would like to invite to the podium the President-elect for the sixty-second session of the General Assembly, Mr. Srgjan Kerim, so that I may hand over the gavel to him.

I declare closed the sixty-first session of the General Assembly.

The meeting rose at 12.40 p.m.